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Smith, Henry More

Bates, Walter

Henry More Smith.

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HENRY MORE SMITH

The Mysterious Stranger

A True Story of the Most
Remarkable Prisoner Ever
Detained in a Jail in
New Brunswick, as Told
by Walter Bates, one time
Sheriff of Kings County.



ST. JOHN, N. B.
JOHN A. BOWES
1910

HENRY MORE SMITH

The Mysterious Stranger

By WALTER BATES, Esquire
 Sheriff of Kings County

Being an Authentic Account of the Numerous
 Arrests, Remarkable Doings and Wonderful
 Escapes of the Most Noted Road Agent who
 ever Pestered the Authorities of New Brunswick



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BY WAY OF INTRODUCTION

Sometime in the month of July, 1812, nearly a hundred years ago now, a well dressed, smooth spoken man, less than thirty years of age, made his appearance at Windsor, Nova Scotia. He was looking for employment, but gave those who enquired about his antecedents but little satisfaction, further than he had recently come from England, and could do almost anything in a mechanical way, and was familiar also with farm work. He was engaged under the name of Frederick Henry More by a farmer named Bond, who resided in the village of Rawden, and remained there about a year without attracting unusual attention, except for his piety. Elizabeth, the daughter of his employer, became enamored with the stranger More and on March 12, 1813, they were married, much against the will of her parents and friends.

After his marriage More took up the occupations of pedlar and tailor, which gave him an opportunity to travel about the country and to make frequent excursions to Halifax, where he appears first to have turned his remarkable talent as a thief and burglar to profitable account for upwards of a year before he was detected. He escaped the clutches of the law in Nova Scotia and reached St. John in July, 1814. Less fortunate in his operations in New Brunswick than he had been in Nova Scotia, he was arrested and lodged in Kingston gaol on July 24, 1814 on a charge of horse stealing, which

in those days was punishable by death. Here he gave the name of Henry More Smith. Walter Bates was then Sheriff of Kings county, and it is to him that the public is indebted for the story of this many-sided man, who was beyond all question the most remarkable person ever confined in a New Brunswick prison.

Before he could be placed on trial Smith effected his escape by an assumed illness, which deceived even the doctor in attendance. Supposed to be dying, he was left alone for a short while, jumped from his supposed death bed and ran from the prison, eluding his captors for nearly two months before he was again landed in prison. On his return to gaol he broke the chains, with which he was secured, removed an iron collar which had been riveted about his neck and while loaded with chains almost escaped by sawing the iron gratings on the windows of his cell. All these performances are vouched for by Sheriff Bates and Gaoler Dibble, in whose custody he was, and attested by many of the most prominent residents of Kingston a century ago.

The marionettes he made while feigning insanity, after he had been sentenced to death, were the wonder of hundreds who not only saw them, but were present in his cell when he made them perform. It was not so much the puppet show, which caused astonishment, as that the puppets could be made by a man whose only materials at hand were the straw in his bed and strips torn from his clothing; all made while he was handcuffed and chained to the floor of his cell by heavy ox-chains.

Although convicted and sentenced to death Smith was pardoned and escorted to St. John by Sheriff Bates and placed on a schooner bound for Windsor, his former home. This was on August 30, 1815, more than a year after his arrest. Although he was within a few miles of the residence of his wife it does not appear that he even visited her, but after a short stay in Nova Scotia left the province and made his appearance in Maine. Occasional glimpses of his life in the United States are given by Sheriff Bates in his narrative, the most interesting of which occurred in Connecticut, where he gave the authorities about as much trouble as he did those of New Brunswick. During his career he was heard of at points so widely divergent as the Southern States and Upper Canada. The last information of him was in what is now the Province of Ontario nearly twenty years after he had quitted Kingston, where he was still plying his trade of theft.

The story as told in subsequent pages by Sheriff Bates is unique in criminal annals and is worthy of careful perusal.

THE PUBLISHER.

HENRY MORE SMITH

THE MYSTERIOUS STRANGER

CHAPTER I.

The "Mysterious Stranger" Arrives at Windsor, N.S.—Obtains Employment, Professes Religion and Marries — Suspected of Theft he Leaves Nova Scotia, Comes to St. John, Returns to Nova Scotia and is Arrested there by the New Brunswick Authorities and Lodged in Kingston Jail.

HENRY MORE SMITH, the noted individual who forms the subject of this narrative, made his first appearance among us in the year 1812. Previous to this, we have no information concerning him. Some time in the month of July, in that year, he appeared at Windsor, in Nova Scotia, looking for employment, and pretended to have emigrated lately from England. On being asked what his occupation was, he stated that he was a tailor; but could turn his hand to any kind of mechanical business or country employment. He was decently clothed, genteel in his appearance, and prepossessing in his manner, and seemed to understand himself very well.

Although an entire stranger, he seemed to be acquainted with every part of the Province, but studiously avoided to enter into close intimacy with any person, associated with few, and carefully concealed all knowledge of the means by which he came to this country, and also of his origin and

connections, keeping his previous life and history in entire obscurity.

Finding no better employment he engaged in the service of Mr. Bond, a respectable farmer in the village of Rawden, who agreed with him for a month on trial, during which time he conducted himself with propriety and honesty; was industrious, careful, and useful, to the entire satisfaction of Mr. Bond, his employer, and even beyond his expectations. He was perfectly inoffensive, gentle, and obliging; using no intoxicating liquors, refrained from idle conversation and all improper language, and was apparently free from every evil habit. Being engaged for some time in working on a new road with a company of men, whose lodging was in a camp, rather than subject himself to the pain of their loose conversation in the camp he chose to retire to some neighboring barn, as he pretended, to sleep in quiet, and was always early at work in the morning; but as the sequel will discover, he was very differently engaged.

A ready conformity to Mr. Bond's religious principles, who was a very religious man of the Baptist persuasion, formed an easy yet successful means for further ingratiating himself into the favor of Mr. Bond and his family; his attendance on morning and evening prayers was always marked with regularity and seriousness; and in the absence of Mr. Bond, he would himself officiate in the most solemn and devout manner. This well directed aim of his hypocrisy secured for him almost all he could.

wish or expect from this family ; he not only obtained the full confidence of Mr. Bond himself, but gained most effectually the affections of his favourite daughter, who was unable to conceal the strength of her attachment to him, and formed a resolution to give her hand to him in marriage. Application was made to Mr. Bond for his concurrence, and, although a refusal was the consequence, yet so strong was the attachment, and so firmly were they determined to consummate their wishes, that neither the advice, the entreaties, nor the remonstrances of her friends, were of any avail. She went with him from her father's house to Windsor, and under the name of Frederick Henry More, he there married her on the 12th of March, 1813, her name having been Elizabeth P.

While he remained at Rawden, although he professed to be a tailor, he did not pursue his business ; but was chiefly engaged in farming or country occupations. After his removal to Windsor, and his marriage to Miss Bond, he entered on a new line of business, uniting that of the tailor and pedlar together. In this character he made frequent visits to Halifax, always bringing with him a quantity of goods of various descriptions. At one time he was known to bring home a considerable sum of money, and upon being asked how he procured it and all those articles and goods he brought home, he replied that a friend by the name of Wilson supplied him with anything he wanted as a tailor. It is remarkable, however, that in all his trips to Halifax, he

uniformly set out in the forenoon and returned next morning. A certain gentleman, speaking of him as a tailor, remarked that he could cut very well and make up an article of clothing in a superior manner. In fact, his genius was extraordinary, and he could execute anything well that he turned his attention to. A young man having applied to him for a new coat, he accordingly took his measure, and promised to bring the cloth with him the first time he went to Halifax. Very soon after he made his journey to Halifax, and, on his return, happening to meet with the young man, he showed him from his portmanteau, the cloth, which was of a superior quality, and promised to have it made up on a certain day, which he punctually performed to the entire satisfaction of his employer, who paid him his price and carried off the coat.

About this time a number of unaccountable and mysterious thefts were committed in Halifax. Articles of plate were missing from gentlemen's houses; silver watches and many other valuable articles were taken from silversmith's shops, and all done in so mysterious a manner, that no marks of the robber's hands were to be seen. Three volumes of late Acts of Parliament, relating to the Court of Admiralty, were missing from the office of Chief Justice Strange about the same time; he offered a reward of three guineas to any person who would restore them, with an assurance that no questions would be asked. In a few days after, Mr. More produced the volumes, which he said he

had purchased from a stranger, and received the three guineas reward without having to answer any enquiries. This affair laid the foundation for strong suspicions that Mr. More must have been the individual who committed those secret and mysterious thefts which produced so much astonishment in various quarters ; and, just at this crisis, these suspicions received not only strong corroboration, but were decidedly confirmed by the following fact. While the young man whom he had furnished with the new coat, as was previously noticed, was passing through the streets of Halifax with the coat on his back, he was arrested by a gentleman who claimed the coat as his own, affirming that it had been stolen from him some time since. This singular affair, which to the young man was extremely mortifying and afflictive, threw immediate light upon all those secret and unaccountable robberies. A special warrant was immediately issued for the apprehension of More ; however before the warrant reached Rawden, he had made his escape, and was next heard of as travelling on horseback, with a portmanteau well filled with articles which he offered for sale, as he proceeded on his way by the River Philip ; and early in the month of July, 1814, he made his appearance in Saint John, New Brunswick, by the name of Henry More Smith. He did not, however, enter the City with his horse, but put him up, and took lodgings at the house of one Mr. Stackhouse, who resided in a bye-place within a mile of the City, and came

into the town upon foot. He found means to become acquainted with the officers of the 99th Regiment, who, finding him something of a military character, and well acquainted with horsemanship, showed him the stud of horses belonging to the regiment. Smith, perceiving that the pair of horses which the Colonel drove in his carriage did not match, they being of different colors, and one of them black, observed to the Colonel, that he knew of an excellent black horse in Cumberland, that would match his black one perfectly. The Colonel replied, that if he were as good as his own, he would give fifty pounds for him. Smith then proposed, that if he, the Colonel, would advance him fifteen pounds, he would leave his own horse in pledge, and take his passage in a sloop bound for Cumberland, and bring him the black horse. To this the Colonel readily consented, and paid him down the fifteen pounds. This opened the way to Smith for a most flattering speculation; he had observed a valuable mare feeding on the marsh contiguous to the place where he had taken his lodgings, and cast his eye upon a fine saddle and bridle belonging to Major King, which he could put his hand on in the night. With these facilities in view, Smith entered on his scheme; he put himself in possession of the saddle and bridle, determined to steal the mare he saw feeding on the marsh, ride her to Nova Scotia, and there sell her; then steal the black horse from Cumberland, bring him to the Colonel, receive his two hundred dollars, and without loss of time

transport himself within the boundaries of the United States.

This scheme, so deeply laid, and so well concerted, failed, however, of execution, and proved the means of his future apprehension. Already in possession of saddle and bridle, he spent most of the night in fruitless efforts to take the mare, which was running at large in the pasture. Abandoning this part of his plan as hopeless, and turning his horse-stealing genius in another direction, he recollected to have seen a fine horse feeding in a field near the highway as he passed through the Parish of Norton, about thirty miles on, on his journey. Upon this fresh scheme, he set off on foot, with the bridle and saddle in the form of a pack on his back, passing along all the succeeding day in the character of a pedler. Night came on, and put him in possession of a fine black horse, which he mounted and rode on in prosecution of his design, which he looked upon now as already accomplished. But with all the certainty of success, his object proved a failure, and that through means which all his vigilance could neither foresee nor prevent. From the want of sleep the preceding night, and the fatigue of travelling in the day, he became drowsy and exhausted, and stopped in a barn belonging to William Fairweather, at the bridge that crosses the Millstream, to take a short sleep, and start again in the night, so as to pass the village before daylight. But, as fate would have it, he overslept; and his horse was discovered on the barn floor in the


morning, and he was seen crossing the bridge by daylight. Had he succeeded in crossing in the night, he would in all probability have carried out his design; for it was not till the afternoon of the same day, that Mr. Knox the owner of the horse, missed him from the pasture. Pursuit was immediately made in quest of the horse, and the circumstance of the robber having put him up at the barn proved the means of restoring the horse to his owner, and committing the robber to custody; for there, at Mr. Fairweather's, information was given which directed the pursuit in the direct track. Mr. Knox, through means of obtaining fresh horses on the way, pursued him, without loss of time, through the Province of Nova Scotia, as far as Pictou, a distance of one hundred and seventy miles, which the thief had performed with the stolen horse in the space of three days. There, on the 24th July, the horse having been stolen on the 20th, Mr. Knox had him apprehended by the Deputy Sheriff, John Parsons, Esq., and taken before the County Justices in Court then sitting. Besides the horse, there were a watch and fifteen guineas found with the prisoner; and a warrant was issued by the Court for his conveyance through the several Counties to the gaol of Kings County, Province of New Brunswick, there to take his trial. Mr. Knox states that he, the prisoner, assumed different names, and committed several robberies by the way; that a watch and a piece of Indian cotton were found with him and returned to the owners;

that on the way to Kingston gaol he made several attempts to escape from the Sheriff, and that but for his own vigilance he never would have been able to reach the prison with him, observing at the same time, that unless he were well taken care of and secured, he would certainly make his escape. He was received into prison for examination on the warrant of conveyance without a regular commitment.



CHAPTER II.

Examination Before Justice Pickett and Ketchum and Commitment for Trial — Would not Join the 112th Regiment to Secure Freedom — Before the Trial Smith was Attacked by a Strange Disease which Baffled Physicians — Supposed to be Dying He Escapes from the Gaol.

HE prisoner had rode all day in the rain, and having had no opportunity of changing his clothes, which by this time had become very wet, it was thought necessary, lest he should sustain injury, to put him into the debtors' room, handcuffed, where he could have an opportunity of warming and drying himself at the fire; the stove having been out of repair in the criminal's room. The day following he was removed into the criminal's room, where irons were considered unnecessary; and, as he appeared quite peaceable, his handcuffs were taken off, and being furnished with a comfortable berth, he seemed reconciled to his situation.

On the 13th of August I received the following letter from the Clerk of the Circuit Court :

DEAR SIR, — Mr. KNOX has left with me the examination, etc., relating to More Smith, the horse stealer, now in your gaol; these are all taken in the Province of Nova Scotia, before Magistrates there, and I would recommend that he be brought up before the Magistrates in your County and examined and the examination committed to writing. I do not know under what warrant he is in your custody ;

but I think it would be as well for the same Magistrates to make out a Mitinus after the examination, as it would be more according to form.

I remain, dear sir, yours,

WARD CHIPMAN.

After proper notice, Judge Pickett, Mr. Justice Ketchum, and Mr. Knox, all attended his examinations; in the course of which he said his name was Henry More Smith, twenty years of age, came from England on account of the war, had been in America about a year and a half, that he was born in Brighton, that his father and mother were living there now, and that he expected them out to Halifax the ensuing spring; that he purchased a farm for them on the River Philip, and had written for them to come. He also stated that he came to St. John on business, where he fell in with Colonel Daniel, of the 99th Regiment, who proposed to give him two hundred dollars if he would bring him a black horse, within a fortnight, that would span with his own of the same color, that he told the Colonel that he knew one that would match his perfectly, and that if he would lend him fifteen guineas, he would leave his own mare in pledge until he would bring the horse, as he knew there was a vessel then in St. John bound to Cumberland, where the horse was. To this proposal he said the Colonel agreed, and having received the money and left the mare, went to his lodgings; but before he could return, the vessel had left him; and having no other conveyance by water, he was obliged to set out on foot; and having

a long journey to travel, and but short time to perform it in, he travelled all night, and at daylight was overtaken by a stranger with a large horse and a small mare, which he offered for sale, and that he being weary with walking all night, offered him ten pounds for the mare, which he accepted, That they continued their journey some time, and began to find out that the mare would not answer his purpose ; the horse being a good looking one, which he might sell again for the money, he bantered the stranger for a swap, which was effected by giving the mare and fifteen pounds in exchange for the horse, saddle and bridle. He then produced a receipt which he said the stranger gave him, to the following effect :

Received, July 20, 1814, of Henry More Smith, fifteen pounds, in swap of a horse between a small mare and a large horse, I let him have, with a star, six or seven years old.

JAMES CHURMAN.

He then stated that he proceeded on to Cumberland, and bargained for the black horse which was the object of his pursuit ; and not having money enough to pay for him, without selling the one he rode, and hearing that Captain Dixon, of Truro, wanted to purchase such a horse, and finding that he, Captain Dixon, had gone on to Pictou, forty miles further, to attend Court, he was obliged to follow him with all speed. That the next day being Sunday, he was obliged to wait till Monday to sell his horse, and was there apprehended by Mr. Knox and charged with stealing his horse ; that he was taken

before the Court, and had all his money, his watch, and his horse, taken from him, and was sent back to King's County gaol to take his trial ; and complained, that as he was an entire stranger, and had no one to speak for him, unless the man was taken who sold him the horse, his case might be desperate, for he had neither friends nor money, nor any one who knew him to take his part. He complained also of having been badly used by Mr. Knox on the way.

Having been asked by Mr. Knox, in the course of his examination what occupation he followed in the country, he replied, "No one in particular." Mr. Knox then hastily asked him how he got his living. He replied, with great firmness and self-possession, "By my honesty, Sir." After this examination a regular commitment was made out, and he returned to prison. He submitted to his confinement without a murmur, and with much seeming resignation ; but complained of great pain in his side occasioned by cold he had received. He seemed anxious for an opportunity to send for his portmanteau, which he had said he had left with some other articles in the care of Mr. Stackhouse near Saint John. The portmanteau, he said, contained his clothes, which he would be obliged to sell to raise money for the purpose of procuring necessaries and engaging a lawyer, repeating again, that, as he was a stranger and had no friends to help him, there would be but little chance for him, though innocent, except the thief who stole the horse was taken and brought to justice.

It so happened, on the day following, that I had occasion to go to the City of Saint John in company with Dr. Adino Paddock, senr., when, on our way, he had occasion to call at Mr. Nathaniel Golding's tavern, in Hampton ; and while placing our horses under his shed, we perceived a man mounting a horse in great haste, that was standing at the steps of the door, who immediately rode off with all possible speed, as though he were in fear of being overtaken. On inquiring who he was, we were informed by Mrs. Golding that he was a stranger who had called there once or twice before, and that she believed his name was Chuman or Churman. I observed to the Doctor that that was the name of the man from whom the prisoner, Smith, said he purchased the horse ; upon which Mrs. Golding said that she could ascertain that by inquiring in the other room, which she was requested to do, and was answered in the affirmative.

We made frequent inquiries by the way, as we proceeded towards Saint John, but could ascertain nothing further of the stranger by that name. After my return from Saint John I informed the prisoner, Smith, of what happened by the way ; he appeared exceedingly elated with the idea of his being the man that had sold him the horse, and said that if he had money or friends he could have him taken and brought to justice, and would soon be restored to liberty again himself ; but that if he were suffered to make his escape out of the country, his own case would be deplorable indeed, though he

was innocent. He again reiterated his complaint, that he was destitute of money and friends, in a strange country, although anxious to employ a lawyer, he did not know of any to whom he could apply for advice. He was recommended to Charles J. Peters, Esq., attorney, in St. John, with the assurance, that if there were any possibility in the case of getting him clear, Mr. Peters would exert himself in his behalf most faithfully. The first opportunity that offered, he sent an order to Mr. Stackhouse for his portmanteau, with instructions to apply the proceeds of certain articles, which he had left him for sale, if disposed of, in retaining Mr. Peters as his attorney. The return brought a handsome portmanteau and a pair of boots, leaving a small sum in the hands of Mr. Peters, as part of his retainer, which was to be increased to five guineas before the sitting of the court. This arrangement seemed to be productive of much satisfaction to the prisoner, and for the purpose of fulfilling the engagement with Mr. Peters, he expressed a desire to dispose of the contents of his portmanteau, as far as it was necessary for making up the sum. He gave me the key, with which I opened his portmanteau, and found it well filled with various articles of valuable clothing; two or three genteel coats, with vests and pantaloons, of the first quality and cut; a superior top-coat of the latest fashion, faced with black silk, with silk stockings and gloves and a variety of books, consisting of a neat pocket-bible and prayer-book, a

London Gazetteer, a Ready Reckoner, and several other useful books. He had also a night and day spy-glass of the best kind, and a small magnifying glass in a tortoise-shell case, with many other useful articles. Suspicions of his not having come honestly by the contents of his portmanteau was not the impression that was made ; but rather that he had been handsomely and respectably fitted out by careful and affectionate parents, anxious for his comfort and happiness, and that he was, in all probability, innocent of the charge alleged against him. He soon commenced selling off his little stock, and for the purpose of affording him a facility, persons, wishing to purchase from him, were permitted to come to the wicket door, through which he could make his bargain, and dispose of his things. He never failed to endeavor to excite the pity of those who came to visit him, by representing his deplorable situation, he being reduced to the necessity of selling his clothes to raise the means of defending his innocence in a strange country from the unfortunate charge preferred against him. Nor did he fail of his purpose, for many, from pure sympathy for his unfortunate situation purchased from him, and paid him liberally. Among those who came to see there was a young man, who said he had known the prisoner in St. John and professed to visit him from motives of friendship ; he had access to him through the grates of the window, and some of the glass being broken, he could hold free conversation through the grates. The last time he

came he carried off the night and day glass for debt which he said he owed him while in St. John ; but the probability was that he had given him a watch in exchange.

The prison was then kept by Mr. Walter Dibble, a man of learning and talents, who for several years had been afflicted with a painful disease, so that for a great part of the time, he was confined to the house, and frequently to his room, in the County Court House, where he taught a school, by which means, together with the fees and perquisites of the jail and court house, afforded him a comfortable living for himself and family, consisting of his wife and daughter, and one son named John, about nineteen years of age, who constantly attended his father. It may be also necessary to mention that Mr. Dibble was one of the principal members of the Masonic Lodge held at Kingston, and was in high esteem among them ; besides he was regarded by all who knew him as a man of honesty and integrity, and well worthy to fill any situation of responsibility or trust. I am induced to advert to those particulars of Mr. Dibble's character because I am indebted to him for many of the particulars relative to the prisoner, and because, having had a person who could be relied on, there was less necessity for my visiting the prisoner very frequently, which did not exceed once a week generally, except upon special occasions.

Shortly after the commitment of the prisoner he was visited by Lieutenant Baxter, an officer of the

New Brunswick Regiment, then recruiting at Kingston. The officer proposed to the prisoner to enlist him, as a means by which he might be released from his confinement. The idea he spurned with contempt, and chose rather to await the issue of his trial, depending on his professed innocence of the crime for which he stood committed. He was, however, prevailed on to write to his attorney on the subject, and received for his answer that such a measure was inadmissible, and advised him to content himself and await the issue of his trial. He appeared much displeased with the abruptness of his attorney's answer, and seemed rather to look upon this short and summary reply, as an indication of his displeasure with him, and as an omen that he, his attorney, would not interest himself much in his behalf.

About this time, Sept. 7th, I received a letter from the Clerk of the Circuit Court enclosing a Precept to summon a Court of Oyer and Terminer and General Gaol Delivery, to be held at Kingston, on Tuesday, the 27th of September. On the approach of the period for his trial, he was encouraged by his friends to rely with full confidence on his attorney, with repeated assurances that he would give his case all possible attention: but with all his professed ignorance of the law, (and this ignorance he had often declared with apparent simplicity), the prisoner knew too much of it to resign himself with confidence to the issue of a cause which could promise him nothing but conviction, and confirm

his guilt. He therefore, upon his professed dissatisfaction with his attorney, appeared to think no more about him, nor to renew his enquiries concerning him, but set about a more summary method of extricating himself from the power of the law. He turned his attention to the Bible, and perused it with an air of much seriousness, as though the concerns of the unseen world engrossed all his thoughts; he behaved himself in every respect with becoming propriety, and his whole demeanor was such as to engage much interest in his behalf.

About this time he discovered symptoms of a severe cold, being troubled with a hollow sounding cough, and complained of a pain in the side, but still submitted to his confinement without a murmur or complaint. He would frequently advert to the ill usage which he said he had received by the way from Pictou, after he was made prisoner, particularly of a blow in the side with a pistol, given by Mr. Knox, which felled him to the ground, as he expressed it, like a dead man; that when he had recovered his respiration which had been for some time suspended, he raised blood, and continued to raise blood occasionally by the way for two or three days; that the pain had never left him since, and was, as he believed, approaching to a gathering in the inside, which he feared would finally prove fatal to him. He showed a bruised spot on his side which was swelled and much discolored, and apparently very painful. All this was accompanied with loss of

appetite and increased feebleness of body ; but he still discovered a remarkable resignation to his fate. His situation was such as to excite sympathy and feeling, so that an endeavor was made to render him as comfortable as possible, by keeping his apartment properly tempered with heat, and providing him with such food as was adapted to the delicacy of his constitution.

His disease, however, continued to increase, and his strength to decline, with all the symptoms of approaching dissolution ; pain in the head and eyes, dizziness, with sickness at the stomach, frequent raising of blood, and of increased painfulness of the contusion on his side. It was now considered high time to apply to a physician, and on the 11th of September I sent for a doctor, who examined his side, and the general state of his disease, and gave him some medicine. On the 12th, he appeared a little better. Thirteenth, at evening, grew worse. Fourteenth, unable to walk,—very high fever, with frequent chills of ague. Fifteenth, vomiting and raising blood more frequently. Sixteenth, the Rev. Mr. Scovil visited him in the morning, found him very ill, and sent him toast and wine and some other cordials. Same day the doctor attended him at 3 o'clock, and gave him medicine. At 6 o'clock, no better, and vomiting whatever he took. Eighteenth, appeared still to grow worse ; was visited by Judge Pickett and several other neighbors, and being asked whether he wanted anything, or what he could take, answered “ nothing, except an orange or a lemon.”

Nineteenth, appeared to decline very fast; at 2 o'clock, was visited by the doctor, who said the man must be removed out of that room, that he was too ill to be kept there, and that it was of no use to give him medicine in so damp a place. Twentieth, in the morning, found him still declining; at ten o'clock, Mr. Thaddeus Scribner and others went in to see him, inspecting the room, but found no dampness that could injure even a sick man taking medicine.

The Rev. Mr. Scovil visited him in the afternoon, and introduced the subject of his approaching end. The prisoner conversed freely on the subject, and expressed his conviction that there was little or no hope of his recovery. He stated to Mr. Scovil that he was born in England, that his parents were formerly attached to the Church of England, but had lately joined the Methodists; that he came from England, on account of the war, and that he expected his parents to come to the country next spring, which last circumstance seemed to excite in him strong emotions. Twenty-first, the Rev. Mr. Scovil with others of the neighborhood visited him in the morning; no favorable symptoms. Twenty-second, the prisoner very low; violent fever, accompanied with chills and ague. Inflammation of the bowels, with evacuations of blood for the last two days, extremities cold, and strength greatly reduced, insomuch that he could only just articulate above his breath. Was understood to say, that he should die for want of medical assistance, as the doctor had refused to attend him

any more in that place, and the sheriff refused to remove him.

His situation had by this time excited general sympathy and pity; his seeming simplicity, passiveness and resignation, greatly contributing to produce the effect. At 6 o'clock, Rev. Mr. Scovil and a great number of the neighbors came and sat with him till ten o'clock, and then left him with the impression that he would not live till morning. Friday, 23rd, went to the gaol early in the morning, found the prisoner lying on the floor, naked, and seemingly in great distress; said he had fallen through pain and weakness, and could not get up again. He was taken up and carried to his bed; appeared as though he would instantly expire; continued in a low and almost lifeless state till 5 o'clock in the afternoon, when he appeared to all present to be really dying. Rev. Mr. Scovil, Mr. Perkins, Mr. G. Raymond, all near neighbors, and Mr. Eddy, from Saint John, who happened to be in Kingston at the time, all supposed him to be in the agonies of death. He fell into a state of insensibility, and continued so until a phial of hartshorn was brought from an adjoining room, the application of which seemed to revive him a little.

After some time he recovered so far as to be able to articulate, and upon its being observed to him that he had a fit, he replied that he was sensible of it, and that it was his *family infirmity*, and that many of his connections had died in the same way; and further remarked that he did not think he

could survive another, which would probably come upon him about the same time next day; that he was sensible he should not recover; but that God would have him. He then asked Mr. Scovil to pray with him; his desire was complied with, and prayer offered up in the most solemn and devout manner; the occasion was deeply affecting, and all departed with the full conviction, that the patient would not linger till the morning.

Previous to this, no regular watchers had attended him; but it was now considered highly necessary that some persons should sit with him till the morning; consequently John Dibble and Charles Cambreau were appointed by the sheriff to watch him through the night.

The next morning the following letter was dispatched to Mr. Peters, the prisoner's attorney :

DEAR SIR : — I fear we shall be disappointed in our expectations of the trial of the prisoner, More Smith, at the approaching Court, as I presume from appearance, he will be removed by death before that time. He is dying in consequence of a blow that he received, as he says, from Mr. Knox, with a pistol, which he has regularly complained of since he has been in gaol, and is now considered past recovery. As it will be a matter of enquiry, and new to me, I will thank you to let me know by the bearer what would be the necessary steps for me to take; and not fail, as I have but little hopes of his continuing till morning.

Yours, &c., WALTER BATES.

The return of the bearer brought the following :

ST. JOHN, Sept. 24th, — Dear Sir, — Your favor of yesterday I received this morning, and I am sorry to hear so desponding an account of the unfortunate man in your custody. It will be your duty, I conceive, to have a Coroner's inquest on the body, and then have it decently interred. With respect to the cause of the death, that is a circumstance which must rest wholly on facts; if any physician shall attend him, let him be particular in taking down in writing what the man says in his last moments, as to the circumstances; and if a Justice should be then present, it would not be amiss.

In haste, yours, sincerely,

C. J. PETERS.

Saturday, 24th. — The watchers reported that he had passed a very restless night, and but just survived the morning; that he complained for want of medical assistance. The following note was then sent to the doctor who had attended him:

KINGSTON, September 24th, 1814, — Dear Doctor: Smith, the prisoner, says that he is suffering for want of medical assistance, and that you will not attend him unless he is removed into another room, which cannot be permitted; he must take his fate where he now is, and if he dies in gaol, an enquiry will take place which may prove to your disadvantage. I must therefore request your attention.

I am yours, &c.,

DR. A. PADDOCK, JR.

WALTER BATES.

At this time the sympathy and compassion of the whole neighborhood was excited to the highest degree. The family of the Rev. Mr. Scovil,

especially manifested deep concern for him, and sent him everything that they thought would either comfort or relieve him ; as did also the the family of Mr. Perkins, and that of Mr. Raymond ; all these having been in the immediate neighborhood. But the prisoner used little or none of their cordials or delicacies. Mr. Perkins visited him about 10 o'clock, a.m., and kindly proposed to watch with him the ensuing night, for which he discovered much thankfulness. In the course of the day the doctor, came, and gave him some medicine ; but found him so weak, that he required to be lifted and supported while he was receiving it. The doctor acknowledged his low state, but did not think him so near his end, as to die before morning, unless he should go off in a fit. This, the patient said, was what he had reason to fear would be his fate before morning, and therefore wished to make his will.

All his clothes, at his death, he willed to John Dibble ; and his money, about three pounds, which he always kept by him in his berth, he bequeathed to the jailor, for his kind attention to him in his sickness. The money Mr. Dibble proposed to take charge of ; but Smith said it was safe where it was for the present.

Mr. N. Perkins having had occasion to call that day on Mr. W. H. Lyon, was enquired of by him concerning the state of the prisoner. Mr. Perkins informed him that he was alive when he left him ; but thought he would be dead before night. This

information Mr. Lyon communicated the same evening to a number of persons who were assembled at the house of Mr. Scribner, and added that he was dead, for that while he was on his way to Mr. Scribner's, (it having been in the dusk of the evening,) he had seen *Smith's Ghost* pass by him at a short distance off, without touching the ground. This singular report, as it came from a quarter that could not be well disputed, very much alarmed the whole company, and formed the subject of their conversation for the evening.

But return to our narrative. After the prisoner had made his will, he was, for a short time, left alone, with the probability that he would shortly be seized by another fit, which he was not expected to survive. About 6 o'clock in the evening, the Rev. Mr. Scovil observed to his family, that it was then about the same hour of the day at which Smith had had his fit on the day preceding; that he thought he would die suddenly; he would therefore walk over to the Court House and be ready there at the time, as it must be unpleasant for Mr. Dibble to be alone. This so much awakened the sensibilities of Mrs. Scovil, that she could not bear the reflection, that a child of parents that were perhaps respectable, should be so near her, in a strange country, sick and dying, on a bed of straw. She therefore called Amy, her wench. "Here," said she, "take this feather bed, and carry it to the gaol, and tell Mr. Dibble that I have sent it for Smith to die on." Mr. Scovil had been in the house, and seated with

Mr. Dibble but a very short time, when a noise was heard from Smith in the gaol. John Dibble, who constantly attended on him, ran in haste, unlocked the prison door, found him in the agonies of a fit, and almost expiring. He made an effort to speak, and begged John to run and heat a brick that was near, and apply it to his feet, to give him one moment's relief while he was dying, for that his feet and legs were already cold and dead to the knees. John, willing to afford what relief he could to the dying man, ran in great haste from the gaol through the passage round the stairway that led to the kitchen, where was a large fire of coals, into which he cast the brick, waited but a few minutes, and returned with the heated brick to the prison; but to his indiscribable astonishment, and almost unwilling to believe the evidence of his senses, the dying man had disappeared, and could not be found!!! John ran with the tidings to his father and the Rev. Mr. Scovil, who were sitting in a room which the prisoner must have passed in making his escape. They were entirely incredulous to the report of an affair so unparalleled, and would not yield their belief until they searched every corner of the apartment themselves, and found that Smith had not only effected his escape, but had also carried his money, his boots, and every article of clothing away with him.

It is impossible to conceive or describe the feeling of astonishment with which every one about the house was filled, when they found that the man, who

had been groaning and agonizing under the pain of an accumulation of diseases, which night after night, seemed to have been wasting his strength, and bringing him nearer the close of his unhappy life—had, in a moment, and the very moment which was thought to be his last, seized the opportunity of his prison door being open, and rushed from his confinement, leaving not a vestige of his moveables behind him. As soon as a search through the prison confirmed the fact of the elopement, the inmates hastened outside, and continued their search around the premises. At this moment, Amy, the wench, made her appearance, carrying the feather bed ; and seeing the people around the house said to them : “ Misses send this bed for Smit to die on.” Her master told her to take it home, and tell her mistress that Smith was gone. Amy ran home and told her mistress that massa say Smit dead and gone—he no want im bed ! “ Ah ! ” exclaimed her mistress, “ poor man, is he dead ? Then, Amy, you may run and carry this shirt and winding sheet, to lay Smith out in.” Amy instantly obeyed, and told her master accordingly. “ You may take them back,” said he, “ Smith is gone ! ” “ Where he gone, massa ? ” “ I don’t know,” said he, “ except the devil has taken him off ! ” Amy hastened back to her mistress, and told her that “ massa say Smit be dead and gone, and the devil has taken him away ! ” So much was the mind of every one prepared to hear of his death, that the expression, “ Smith is gone ! ” served to convey no-

other idea. The sheriff himself, who had not been present, and did not hear of the affair immediately, gave the sentence the same interpretation. A messenger having been dispatched to him with the tidings, met him on his way to the gaol, expecting to witness the last moments of the patient. On being informed by the messenger that "Smith was gone," "Ah poor fellow," he exclaimed, "I expected it." "What time did he die?" "But he is gone clear off." "It is impossible," rejoined the Sheriff, "that he can be far from his sick bed." "Why," replied the messenger, "they were all about the gaol looking for him, and no one could tell which way he had gone." "Unparalleled and abominable deception!" replied the sheriff. "How did he get out of gaol!" He believed John Dibble left the door open while he ran to heat a brick, and then Smith made his escape.

This was to us the first development of the true character of Henry More Smith, and thus, by means of a counterfeit illness, which melted the feelings and drew the sympathies of the whole neighborhood; which baffled every power of detection, and imposed even upon the physician himself, did this accomplished villain effect his release, and was now again running at large, glorying in the issue of his scheme.

CHAPTER III.

Pursued by Officers of the Law His Whereabouts are Frequently
Discovered but he Eludes his Pursuers — Commits a Number
of Thefts — Taken Before a Magistrate he makes Satisfactory
Explanation — He Goes on his Way — The Court Convenes at
Kingston Before he is Apprehended.

BUT before we pursue his history in his
succeeding adventures, it may be necessary,
for those who are unacquainted with the
local situation of the gaol, from which the prisoner
made his escape, to give a short description of it.
Kingston is situated on a neck or tongue of land,
formed by the River Saint John, and Bellisle Bay,
running north-east and south-west on the western
side of the neck, and by the Kennebecasis running
the same course on the western side, leaving a
tract of land between the two rivers about five miles
in breadth and thirty miles in length.

The winter road from Fredericton, the seat of
Government, to the City of Saint John crosses
the land at Kingston to the Kennebecasis, and
this road is inhabited on both sides. The
road is intersected in the center of Kingston by
another road running northeasterly to the head of
Bellisle Bay, and is also inhabited on both sides, at
the intersection of these roads; on an eminence,
stands the Court house (under which is the prison)
and church, facing each other, east and west, at a
distance of about eight rods. At the distance of

about ten rods from the gaol stands the house of Mr. F. N. Perkins, to the north, and at an equal distance to the south the house of the Rev. E. Scovil is situated, with various other houses in different directions; the land clear all around to a considerable distance, affording no hiding place. From a prison thus situated and surrounded with dwelling-houses, did our hero escape, without any eye having seen him, and leaving no mark nor track behind which could direct in the pursuit of him. Finding ourselves unable to pursue in any certain direction, our conclusions were that he must either have taken the road to Saint John or that leading to Nova Scotia the way by which he came, and the only road he was known to be acquainted with. Accordingly men were dispatched in pursuit of him on the Saint John road, and others sent to the different ferries, while I myself, with Mr. Moses Foster, the deputy sheriff, took the road toward Nova Scotia, with all speed, in the night, and rode on until we began to think that we must have passed him. Having arrived at a house which he could not well pass without being seen, we stationed watchers there, and also set watchers in other stations, and maintained a close lookout all night, but to no purpose.

At daylight I furnished Mr. Foster with money, and sent him on upon the same road with directions to proceed as far as Mr. McLeod's tavern, distance forty miles, and in case of hearing nothing of him, to discontinue the pursuit and return. At the same time I returned to Kingston myself, where I was

informed towards evening, that a man, who answered his description had crossed the ferry over Bellisle Bay the evening before in great haste, stating that he was going on an express to Fredericton, and must be there by ten o'clock the next morning. This, compared with Mr. Lyon's story, the reader will recollect, of having seen Smith's *ghost* or apparition the same evening in the twilight, confirmed the opinion that we had now got upon the direction of our runaway. And when we remember further, that the *apparition* was passing without *touching the ground*, we will have some idea of the rapidity with which our self-released hero was scudding along as he carried his neck from the halter. It was now Sunday evening, and he had twenty-four hours of a start, leaving little hopes of his being overtaken by me. As my only alternative, I forwarded advertisements, and proposed a reward of twenty dollars for his apprehension and re-commitment to custody ; but with very little prospect of success knowing that he was escaping for his life, and would succeed in getting out of the country before he would be overtaken.

Monday morning, the 26th instant, Mr. Moses Foster returned from his route, and by this time many unfavorable reports concerning the prisoner's escape had begun to be circulated. The Court at which he was to receive his trial was now to meet on the Tuesday following, and a jury summoned from different parts of the county for the express purpose of trying the horse-stealer.

My whole time and attention were now required to make the necessary preparations for the Court, and I felt myself not a little chagrined on reflecting on the circumstances in which I was placed. This feeling became heightened to a painful degree when I came to understand, by Mr. E. Jones, that the villian, instead of escaping for his life, and getting out of my reach with all possible haste, had only travelled about ten miles the first night, and was seen lying on some straw before the barn of Mr. Robert Bailes, the next morning, on the road to Gagetown, having lain there till 12 o'clock in the day. But Smith did not lie on his bed of straw for rest merely; even there he was projecting fresh schemes of villainy, waiting for an opportunity to carry away some booty from the house of Mr. Bailes; and so it happened that he did not miss his aim, for Mr. and Mrs. Bailes had occasion to leave the house to go some distance, leaving the door unlocked, when the robber entered, broke open a trunk and carried off a silver watch, eight dollars in money, a pair of new velvet pantaloons, and a pocket-book, with several other articles. He then walked leisurely on his way, stopping at the next house and at all the houses that were contiguous to the road, so that he did not make more than three or four miles before dark.

When Mr. Bailes returned to his house and found it had been robbed, he immediately fixed his suspicion on the man who had lain before the barn door, from having observed the print of a boot heel,

which was thought to be his, and gave the alarm to his neighbours. They immediately set out in pursuit of him, and having heard that he had been seen on the road at no great distance before them, they followed on in high spirits, expecting shortly to seize him; but in this they were disappointed, for the robber warily turned aside from the road, leaving his pursuers to exercise a painful and diligent search, without being able to ascertain which way he had gone. Having followed as far as Gagetown, they posted up advertisements, descriptive of his person, and also of the watch; and sent some of them on to Fredericton.

Late on Sunday night, a man called at the house of Mr. Green, who resided on an island at the mouth of the Washademoak Lake. He said he was a Frenchman, on his way to Fredericton about land, and called for the purpose of enquiring the way. Mr. Green informed him that he was on an island, and that he had better stay till the morning, and that he would then direct him on his journey. He made on a large fire, by which the man examined his pocket book, and was observed to cast several papers into the fire, and finally he threw in the pocket book also. Mr. Green on seeing this, had an immediate impression that the man must be some improper character, which idea was strengthened by the circumstance of its being a time of war. In the morning, therefore, he took him in his canoe, and carried him directly to Justice Colwell, a neighboring magistrate, that he might give an

account of himself. On his examination, he answered with so much apparent simplicity, that the Justice could find no just ground for detaining him, and consequently dismissed him. He then made his way to an Indian camp, and hired an Indian, as he said, to carry him to Fredericton; and crossing the river, went to Vail's tavern, on Grimross neck, where he ordered breakfast for himself and his Indian, and had his boots cleaned. At this moment, Mr. Bailes, whom he had robbed the day preceding, was getting breakfast at Mr. Vail's, and writing advertisements in quest of the robber. About eleven o'clock, he, with the Indian started again, leaving Mr. Vail's unknown and undetected; but not without taking with him a set of silver teaspoons from a side closet in the parlour.

The time was now come for the sitting of the Court, and about eleven o'clock on Tuesday morning, the Attorney General arrived from Fredericton, with very unfavourable impressions on his mind, bringing information that the robber was still traversing the country, stealing and robbing wherever he came, without sufficient effort being made for his apprehension. The Jury also were collecting from the different Parishes of the County, bringing with them unfavourable ideas, from the reports in circulation concerning his escape. Among the many opinions that were formed on the subject, one particularly, was very industriously circulated. The prisoner was a Freemason, and it will be recollected that Mr. Dibble, the gaoler, was stated in a former

part of the narrative to be a Freemason also, and that there was a Freemason Lodge held at Kingston. The public mind was strongly prejudiced against us, unwilling to believe the real circumstances of his elopement; and the Court assembled under the strongest impressions that his escape was connived at. The Honorable Judge Chipman presided on the occasion.

The Court was now ready for business, but no prisoner; yet high expectations were cherished that every hour would bring tidings of his apprehension, as he was pursued in every direction. The Grand Jury was empannelled, and the Court adjourned till next day at eleven o'clock, waiting anxiously for the proceeds of the intermediate time. And to render the means for his apprehension as effectual as possible, Mr. Benjamin Furnald, with a boat well manned, was dispatched in the pursuit with directions to follow on as far as he could get any account of him.

Wednesday, the Court again met and commenced other business; but nothing from Smith yet. In the afternoon, Mr. John Pearson, witness against him, arrived from Nova Scotia, a distance of two hundred and eighty miles. Towards evening conclusions were beginning to be drawn that he had eluded all his pursuers, and was making his way back to Nova Scotia, and the conjecture almost amounted to a certainty by the circumstance of a man being seen crossing the Washademoak and making towards Bellisle Bay.

Nothing more was heard till Thursday morning early, when Mr. B. Furnald returned, and reported that he had found his course and pursued him through Maugerville; that the night before he (Mr. F.) reached Maugerville, the robber had lodged at Mr. Solomon Perley's, and stole a pair of new boots, and had offered the silver teaspoons for sale that he had stolen at Mr. Vail's. That he walked up as far as Mr. Bailey's tavern, where he stopped some time, and that he was afterwards seen towards evening under a bridge, counting his money. This was the last that could be heard of him in this place; it was now believed that he had taken an Indian to pilot him, and had gone by way of the Washademoak and head of Bellisle for Nova Scotia. This was in accordance with the idea entertained at Kingston before Mr. Furnald's return.

At ten o'clock on Thursday morning, the Court met according to adjournment, to bring the business then before them to a close, without much hope of hearing any further of the horse stealer at this time; when about three in the afternoon, a servant of Mr. Knox's, (who it will be remembered was the plaintiff in the cause,) came direct to the Court with information to his master, that his other horse was missing out of the pasture; that he had been known to be in the pasture at one o'clock at night, and was gone in the morning; and that a strange Indian had been seen about the place. This extraordinary news produced much excitement in the Court; and the coincidence of the Indian

crossing the country with the robber, with the Indian seen at Mr. Knox's, confirmed the opinion that Smith had made himself owner of Mr. Knox's other horse also !!! Mr. Knox, on hearing this news, became exceedingly agitated, had no doubt but that Smith was the thief again, would not listen to the sheriff, who was not just willing to credit the report of the horse being stolen, and affirmed that his life was in danger if Smith was suffered to run at large. His Honor, the Judge, expressed his opinion that great remissness of duty appeared.

A general warrant was issued by the Court, directed to all the sheriffs and Ministers of Justice throughout the Province, commanding them to apprehend the said More Smith and bring him to justice. In the meantime, men were appointed to commence a fresh march in quest of him, to go in different directions. Mr. Knox, with Henry Lyon and Isaiah Smith, took the road to Nova Scotia ; and Moses Foster, the deputy sheriff, and Nathan Deforest, directed their course to Fredericton, by the head of Belleisle Bay, with orders to continue their search as far as they could get information of him, or to the American settlement. The sheriff then wrote advertisements for the public papers, offering a reward of forty dollars for his apprehension ; and the Attorney General increased the sum to eighty dollars. Indictments were prepared, and the Grand Jury found a bill against the sheriff and gaoler, for negligence in suffering the prisoner to escape. They were held to bail to

appear at the next Court of Oyer and Terminer to traverse the indictments. The business of the Court being at the close, the sheriff paid the witness, Mr. Pearson, from Nova Scotia, for his travel and attendance, amounting to one hundred dollars, after which the Court finally adjourned.



CHAPTER IV.

Smith's Wanderings Through the Province — Leaves a Trail of Larcenies — Arrested and Brought Before the Court at Fredericton He Admits Escaping from Kingston Gaol and is Sent Back by Judge Saunders — Escapes on the Way — Burglarizes the Home of the Attorney-General and is Re-arrested, and After a Month of Liberty is Again Placed in Kingston Gaol.

NOTHING was heard of our adventurer till after the return of Mr. Knox with his party from a fruitless search of ten days in the Province of Nova Scotia, and as far as Richibucto. The day following, Mr. Foster and Mr. Deforest returned from their chase, and reported that after they had proceeded to within three miles of Fredericton they heard of a stranger answering to his description, having lodged all night at a private house; but had gone on the road towards Woodstock. They continued the pursuit and found that he had stopped at Mr. Ingraham's tavern the night following, slept late in the morning, being fatigued, paid his bill and went off; but not without giving another proof of his characteristic villainy. He broke open a trunk, which was in the room adjoining the one he had slept in, and carried off a full suit of clothes belonging to Mr. Ingraham, that cost him forty dollars, and a silk cloak, with other articles, which he concealed so as not to be discovered. This information gave his pursuers

sufficient proof that he was indeed the noted horse-stealer. But Mr. Ingraham, not having missed his clothes immediately, the robber travelled on unmolested, and the next day went only as far as Mr. Robertson's, where he found a collection of young people, played the fiddle for them, and remained the next day and night.

He then proceeded towards Woodstock, leaving the spoons with Mrs. Robertson in exchange for a shirt, and taking passage in a canoe happened to fall in company with another canoe that had been at Fredericton, in which the Rev. Mr. Dibble, missionary at Woodstock, was passenger, with a young man polling the canoe. The young man had seen Mr. Bailes' advertisement at Fredericton, describing the man and watch, which had a singular steel chain; and observed to Mr. Dibble, that they both answered to the appearance of the stranger. Mr. D. remarked to the young man that he might be mistaken, and asked the stranger to let him see the watch. The stranger handed the watch with all willingness, and it was found so exactly to answer to the marks of Mr. Bailes' watch that Mr. D. challenged it as the property of Mr. Bailes. Smith very gravely replied, that it was a favorite watch that he had owned for a long time; but that if he had heard of one like it having been stolen, he had no objection to leave it with him until he returned, which would be in about two weeks. Mr. D. replied that the suspicion was so strong, that he thought he would detain him also,

until he could hear from Fredericton. Smith rejoined that he was on important business and could not be detained ; but if he would pay his expenses and make himself responsible for the damage incurred by his detention, he would have no objection to stop till he could send to Fredericton. Otherwise, he would leave the watch, as he proposed before, and would return in ten or twelve days, during which time Mr. D. might satisfy himself as to the watch. He appeared so perfectly at ease, without discovering the slightest indications of guilt, that on these conditions they suffered him to pass on. He continued his march until he came to the road that leads to the American settlement, and as it drew towards evening he enquired of a resident by the way concerning the road to the American side ; but was asked by the man to tarry till morning, as it was then near night and the settlement yet twelve miles distant. He did not choose to comply with the invitation, and advanced, as an apology, that two men had gone on before him, and he feared they would leave him in the morning if he did not proceed. It happened in a very short time after, that two young men arrived there from the settlement, and being asked whether they had met two men on the road, they answered in the negative. It was then concluded that Smith was a deserter, and they turned about and followed him to the American settlement, but found nothing of him. The day following, Mr. Foster and Mr. DeForest arrived at Woodstock, and finding them-

selves still on the track of him, they pursued on to the American line, but could hear nothing concerning him. They then informed the inhabitants of Smith's character ; and proposed a reward of twenty pounds for his apprehension. The people seemed well disposed and promised to do their utmost.

Messrs. F. & D. then made their way back to the river St. John, and there, most unexpectedly, came across the path of our adventurer again. They found that he had crossed the river, stopped at several houses for refreshments, and called himself Bond. That he had assumed the character of a pursuant in quest of the thief who had broken out of Kingston jail ; said that he was a notorious villain, and would certainly be hung if taken, and appeared to be extremely anxious that he should be apprehended. They traced him down to the river where the Indians were encamped, and found that he had agreed with an Indian to conduct him through the woods to the United States, by the way of Eel River, a route not unfrequently travelled ; and hence had baffled all the efforts of his pursuers, and finally escaped. Messrs. F. & D. thought it was now time to return and make their report. It afterwards appeared that the Indian, his conductor, after having gone about two days on the route, began to be weary of his job, (perhaps finding that it might not be productive of much profit,) and discovered that Smith carried a pistol, which he did not like very much, refused to guide him any longer,

gave him back part of his money and returned. This materially turned the scale with our adventurer and fortune, that had hitherto smiled on his enterprise, refused, like the Indian, to conduct him much further. Unable to pursue his journey alone, he was, of course, obliged to return, and he had now no alternative but to try his chance by the known road. It was now the tenth of October, and he re-appeared on the old ground, wanting refreshment and in quest as he said, of a deserter. While his breakfast was preparing, information of his presence was circulated among the inhabitants, and Dr. Rice, who was a principal character in the place, effected his apprehension, and had him secured.

The clothes he had stolen from Mr. Ingraham he had on, excepting the pantaloons, which he had exchanged for a pistol. He said he had purchased the clothes very cheap from a man who he believed was a Yankee. He was then taken in charge by Mr. A. Putnam, and Mr. Watson, who set out with their prisoner for Fredericton. On their way they stopped at the Attorney-General's, three miles from Fredericton, and then proceeded into town, where the Supreme Court was then sitting. The prisoner was brought before the Court in the presence of a large number of spectators. The Honorable Judge Saunders asked him his name, and he unhesitatingly answered, "Smith." "Are you the man that escaped from the gaol at Kingston?" "Yes." On being asked how he effected his escape, he said the gaoler opened the door and the priest prayed

him out. He was then ordered to prison for the night, and the next day he was remanded to Kingston gaol. Putnam and Watson set out with him in an Indian canoe, one at each end, and the prisoner handcuffed and pinioned, and tied to the bar of the canoe, in the centre. They were obliged to watch him the first night at the place where they lodged, and the next day they reached the house of Mr. Bailes, opposite Spoon Island, where he had stolen the watch and the money, etc. It was near night, and the passage to Kingston rather difficult; and they being strangers, Mr. B. proposed that if they would stop with him till morning, he would conduct them to Kingston himself. They willingly complied and having been up the preceding night, Mr. B. proposed that if they would retire and take some rest, he with his family would keep watch of the prisoner. After they had retired, the prisoner enquired the way to Saint John, and whether there were any ferries on this side the river. He then asked for a blanket and leave to lie down. Mrs. B. made him a bed on the floor; but before he would lie down, he said he had occasion to go to the door. Mr. B. awakened Mr. Watson, who got up to attend him to the door. Smith said to him that if had any apprehensions, he had better tie a rope to his arm, which he accordingly did, fastening it above the handcuffs, with the other end wound round his own hand. In this situation they went out of doors; but in an unguarded moment, Smith watching his opportunity, knocked him down with his handcuffs,

leaving the rope in the hands of his keeper, having slipped the other end over his hand without untying the knot.

Thus, handcuffed and pinioned, and bound with a rope, the ingenious horse-stealer, by another effort of his unfailing ingenuity, akin to his mock-sickness in the gaol, had effected a second escape from his keepers, leaving it as a matter of choice, whether to institute a hopeless search for him in darkness of the night, or sit down in sullen consultation on what plan they had best pursue in the morning. Nothing could exceed the chagrin of Putnam and Watson on finding themselves robbed of their prisoner, except the confusion which filled myself and the gaoler on the knowledge of his unexampled and noted escape from the gaol. To pursue him in the night, which was unusually dark, and rainy besides, was both hopeless and vain; it was therefore thought best to inform the sheriff in the morning of what had taken place, and receive his advice as to future proceedings. In the morning, accordingly, Mr. Putnam proceeded to Kingston, and on communicating the news to the sheriff, received a supply of money, with orders to pursue the road to St. John, while the sheriff, with two men, proceeded to Mr. Bailes'. There they received information that Smith had changed his course, and crossing the Oaknabock Lake in the night, was directing his course towards Fredericton again.

It will be remembered that previous to his escape, while a prisoner at Mr. Bailes', he made particular

enquiries whether there were any ferries on the way to Saint John, on this side the river. At this time it would seem that he had looked upon his scheme as successful, and evidently directed those enquiries concerning the road with a view to mislead, while it was his policy to return upon the course which would be judged the most unlikely of all he should take. But to return to our story. He came to the lake the same evening he had got clear of Mr. Watson and the rope, and there urged as a reason of his haste in crossing the lake in the night, that he was on his way to Fredericton to purchase land, and that he had arranged it with Putnam and Watson, who had gone to Kingston with the thief, to take him up in their canoe on their return, and was to meet them at the intervale above, early the next morning. This well varnished and characteristic story procured him a speedy passage over the lake, and now our adventurer is in undisputed possession of the country, at liberty to choose which way he should turn his face.

On being put in possession of these particulars, we immediately and naturally supposed that he was wisely and prudently directing his course to the United States, by the way of the Oromocto ; and so we followed up his retreat accordingly ; but in that direction no intelligence could be obtained, and we remained in total ignorance of his proceedings and history up to the 26th of October. At this date, when it was supposed that he had transported himself into the United States, to our astonishment and surprise

we find him again in the prosecution of his usual business in the immediate vicinity of Fredericton. His first appearance there again, was in a bye-place, at a small house not then occupied as a dwelling. It was drawing towards night, and the day having been rainy, he came to the house wet and cold. An old man by the name of Wicks, with his son, was engaged in repairing the house, in which they had some potatoes. There was also a quantity of dry wood in the house, but as the old man was about quitting work for the day, he had suffered the fire to burn down. The stranger was anxious to lodge in their humble habitation for the night, but the old man observed to him, that they did not lodge there at night, and gave him an invitation to the next house, where he could accommodate him better. He did not accept the invitation, but said that he must go on eight or ten miles that night, and so he departed.

The old man and his son secured the door and retired to their lodgings; but when the morning came it was found that Smith had returned to the old house, spent the night, burned up all the wood, regaled himself on roasted potatoes, and again took his departure. The following night he paid a sweeping visit at the house of Mr. Wilmot seven miles from Fredericton. Finding a large quantity of linens, sprinkled and ready for ironing, he made a full seizure of the whole, together with a new coat belonging to a young man belonging to the house. The plunderer, finding his booty rather burthen-

some, took a saddle and bridle, which he happened to discover, put them on a small black pony, which was feeding in the pasture, and thus rode with his luggage till he came within two miles of Fredericton. There he found a barrack or hovel, filled with hay, belonging to Jack Patterson, a mullato, which presented a convenient retreat where he could feed his horse and conceal his plunder. Here he remained some days undisturbed ; would turn his horse out to feed on the common in the day, concealing himself in the hay, and would catch him at night, ride into town, make what plunder he could, return to his retreat, and conceal it in the hay,

Our adventurer thought it was now high time to pay his respects to the Attorney General himself, who lived about three miles distant. Here he was not altogether unacquainted, having made a previous call on his passage as a prisoner from Woodstock to Fredericton. He arrived on the spot about nine o'clock in the evening, retaining, no doubt, an accurate remembrance of the entrance to the house ; and everything proved propitious to the object of his visit ; for it happened that there was much company at the Attorney General's on the same evening, whose overcoats, cloaks, tippets, comforters, &c., &c., were all suspended in the hall. He did not obtrude himself upon the notice of the company, but paid his respects to their loose garments, making one sweep of the whole consisting of five top coats, three plaid cloaks, a number of

tippets, comforters and other wearing articles! Having been more successful than perhaps he expected, he rode back through the town to the place of concealment, deposited his booty, and gave his horse, after his travel, a generous allowance of hay. This generosity to his horse led to his detection, for Patterson happening to perceive that his hay was lying in an unusual manner out of the window of his barrack immediately formed an opinion that some person had taken up lodgings in the hay, and in this he was not mistaken; for on coming to the spot, he found Smith lying in the hay, with a white comforter about his neck. On perceiving him to be a stranger, he asked him where did he come from, and was answered that he came from the Kennebecasis, was after land, and getting belated had taken up his lodging in the hay, and hoped it was no harm.

After Patterson had gone into his house he perceived that the traveller had retired from the barrack by the window and was making towards the woods. Upon perceiving this, the idea of his being a deserter instantly presented himself to his mind and calling for assistance, he soon made the stranger a prisoner, which was easily affected, as he did not make much effort to escape. It was soon discovered that their prisoner was no less a person than the far famed Henry More Smith, and no time was lost in committing him to Fredericton gaol.

Patterson, not seeing the comforter with him which he wore around his neck, in the hay, was

induced to examine the hay if perhaps he might find it. This led to the discovery of his entire deposit; for, he not only found the immediate object of his search, but also all the articles previously mentioned, with many more, which were all restored to the owners respectively.

Upon the examination of the prisoner, he gave no proper satisfaction concerning the articles found in the hay; he said they were brought there by a soldier, who rode a little pony, and went off, leaving the saddle and bridle. He was then ordered to be taken by the sheriff of York County and safely delivered to the sheriff of King's County in his prison. Accordingly, the sheriff prepared for his safe conveyance an iron collar, made of a flat bar of iron, an inch and a half wide, with a hinge and clasp, fastened with a padlock. To the collar, which was put around his neck, was fastened an iron chain, ten feet in length; thus prepared, and his hands bound together with a pair of strong handcuffs, after examining his person lest he should have saws or other instruments concealed about him, he was put on board a sloop for his old residence in Kingston. They started with a fair wind, and with Patterson, the mulatto, holding the chain by the end, they arrived with their prisoner at Kingston, a distance of sixty miles, about 12 o'clock on the night of the 30th of October, which was better than one month from the time of his triumphant escape through means of his pretended indisposition. On his reappearing

in the old spot and among those who had ministered so feelingly to his comfort during the whole period of his affected illness, and whom he had so effectually hoaxed, it might have been expected that he would have betrayed some feeling or emotion; or that a transient blush of shame, at least would have passed over his countenance; but ah! no; his countenance had long since become seared, and there was no sensibility within, strong enough to give the slightest tint to his shame proof countenance. He appeared perfectly composed, and as indifferent and insensible to all around him as though he were a statue of marble.

On the ensuing morning he was conducted to the gaol, which he entered without hesitation or seeming regret. After his former escape, it had been cleared out of everything, and carefully swept and searched. In the course of the search there were found several broken parts of a watch, and among the rest, the box which contained the main spring, this convinced us that the watch, (which he received from the young man before his escape, in exchange for the spy-glass,) was intended to furnish him the materials for making a saw in case all other plans he might adopt to accomplish his release should fail to succeed. We found a large dinner-knife cut in two, which we supposed to have been done with a saw made of the mainspring, as a trial or experiment of its utility.

CHAPTER V.

Chained to the Floor of His Dungeon He Contrived to Cut the Chain and Had also Sawn the Bars of the Grated Window— Makes a Second Attempt at Escape— Breaks Chains, Padlocks and Handcuffs and an Iron Collar About His Neck— Tries Suicide by Hanging.

HAVING by this time, from painful experience become a little acquainted with the depth of his genius, we thought it not impossible nor unlikely, that he might still have the saw concealed about his person, although Mr. Berton, the sheriff of York County, had searched him before his removal from Fredericton gaol. We were, however, determined to examine him more closely, for which end we took off his handcuffs, and then ordered him to take off his clothes. Without hesitation or reluctance he divested himself of his clothes, all to his shirt; we then searched every part of his dress—the sleeves, wristbands, collar of his shirt, and even to the hair of his head; but found nothing. We then suffered him to put on his clothes again, and we carried out of the gaol his hat and shoes, and every article he brought with him.

The prison in which he was confined was twenty-two feet by sixteen; stone and lime walls three feet thick on the sides, the fourth side having been the partition wall between the prison rooms. This partition was of timber, twelve inches thick, lathed

and plastered. The door was of two inch plank, doubled and lined with sheet iron, with three iron bar hinges, three inches wide, clasped over staples in the opposite posts, and secured with three strong padlocks ; and having also a small iron wicket door secured with a padlock. There was one window through the stone wall, grates within and without, and enclosed with glass on the outside, so that no communication could be had with the interior undiscovered. The passage that leads to the prison door is twenty feet in length and three feet in breadth, secured at the entrance by a padlock on the door ; the outside door was also kept locked, so that no communication could be had through the passage, without passing through three securely locked doors, the keys of which were always kept by Mr. Dibble, the gaoler, who from his infirm state of health, never left the house day or night.

Having learned a lesson by former experience, we maintained the most unbending strictness, suffering no intercourse with the prisoner whatever. In this manner secured, we put on his right leg an iron chain no more than long enough to allow him to reach the necessary, and take his provision at the wicket door. The end of the chain was fastened to the timber of the floor by a strong staple, near the partition wall, so that he could not reach the grated window by five or six feet. He was provided with a bunk, straw and blankets, as a bed ; and his wrists having been much swelled with the handcuffs, I considered it unnecessary to keep them on,

especially as he was so thoroughly secured in other respects. In this situation I left him, with directions to the jailor to look to him frequently through the wicket door, to see that he remained secure, intending at the same time to visit him occasionally myself.

The jailor came to look at him frequently at the wicket door, as directed, and always found him quiet and peaceable, either sitting up reading, or lying down in his berth; he never uttered any complaints, but appeared resigned to his confinement. I visited him once or twice in the week to see, for myself, that his irons remained secure: and always finding him as yet, in the same state of security in which I had left him, I made up my mind that we should be able to keep him without any additional trouble. He manifested good nature as well as resignation, for he always came to the wicket door when I wished to see that his irons were in order, with the greatest seeming willingness.

On the twelfth day of his confinement, I was informed that Mr. Newman Perkins had heard an unusual noise in the night, which induced him to think that Smith had been at work at the grates. On making more particular inquiry, I learned from Mrs. Perkins that she had heard a noise like rubbing or filing, late in the night; and by holding her head out of the window, she considered the sound to proceed from the jail. Knowing the situation of the prisoner, chained, that he could not reach the grate by five or six feet; and knowing, also, that

after the search we had made, it was impossible that he could have retained about his person anything by which he could operate on the grates, we judged it more than improbable that the sound could have proceeded from him. Nevertheless, we did not treat the information with disregard or neglect. I went immediately to the prison, accompanied by Moses Foster, George Raymond, Allen Basten, and Mr. Dibble, the jailor, with several others. It was then the evening, and we carried with us two or three candles. On opening the door, we found him lying in his berth, chained just as I had left him. I said to him, "Smith, you have not got out yet;" he answered, "no, not quite." I then examined every bar of the grates as closely as possible, as also did every one present again and again, until we were all satisfied that the cause of the alarm was only imaginary. Smith all the time lying quiet, answering readily any and every question that was put to him.

Mr. Basten had yet continued searching and examining the inner grates, when it was discovered by all present that there was a small chip lying on the flat bar of the outer grate, which was supposed to have been there accidentally. Mr. Basten, however, being fully satisfied that the inner grate remained secure, was led rather by curiosity, to reach through his hand, and take up the chip that lay on the bar of the outer grate; on doing this, he thought he could perceive that the bar was inclined to hang in a small degree. This led to further examination;

and to the utter astonishment of all that were present it was found that the bar was cut one-third off, and artfully concealed with the feather edge of the chip. Our astonishment was increased by the fact that it was impossible to reach the outer grate without first removing the inner. This gave the hint for a more effectual examination, when it was found that he had cut one of the inner bars so neatly, that he could remove and replace it at pleasure, having contrived to conceal the incisions in such a manner as to almost proclude the possibility of detection. There is little or no doubt in two or three nights more he would have effected his second escape, had not his works been discovered, through the very means which, artful as he was, he employed to conceal them. On being asked what instrument he used in cutting the grate, he answered with perfect indifference, "with this saw and file;" and without hesitation handed me from his berth a case-knife, steel-blade, neatly cut in fine teeth, and a common hand saw file. I then asked him how he got to the grates, or whether he had slipped the shackles off his feet? he answered me, no; but that he had cut the chain in the joint of the links, a part where the cut could not very readily be discovered.

On being asked where he got his tools, he answered that he had left them in the gaol when he went away, and that those he had given me were all the tools he had left. But perceiving from the shape of the knife, (it having been much thicker on the back than the edge,) that the bars could

never have been cut so neatly through with that instrument, we were induced to make a stricter search, and found, in a broken part of the lime wall, near the grates, a very neat spring saw, having a cord tied at one end. I then asked him who gave him those tools; to which he replied with great firmness:—"You need not ask me again, for I never will tell you." After I had finished these enquiries, I searched his bed and his clothes, and renewed the chain again to his leg, fastening it firmly to the floor with a staple; and putting on a pair of strong hand-cuffs of 7-8 bolt. We then left him, it being about 11 o'clock on Saturday night. On the next Sunday at 4 o'clock, I revisited the jail, when the gaoler informed me that the prisoner was lying in his berth with all his irons on, and had been enquiring of him if the sheriff was not coming to examine his chains. About 12 o'clock the same night I was alarmed by a man sent by the gaoler, to inform me that Smith had got loose from his irons, and having worked his way through the inner grate, was cutting the outer grate, and had nearly escaped.

Here, at the dead hour of midnight, when it might be expected that every eye would be sunk in the stillness of sleep through the vigilant attention of Mr. Dibble, the gaoler, this astonishing being, who set hand-cuffs, and shackles, and chains at defiance, had all but effected another escape. Mr. Dibble, on finding him to be at work at the grates, was determined, if possible, to take him in the act;

and by fastening a candle to the end of a stick three feet in length, and shoving the light through the wicket gate, he was enabled to discover him at work before he could have time to retreat to his berth, Mr. Diblee, on perceiving how he was employed, ordered him to leave everything he had, and take to his berth ; he instantly obeyed, but as suddenly returned to the grates again, placed himself in a position to which he could not be seen by the gaoler. Remaining here but a moment, he went quickly to the necessary, and threw something down which was distinctly heard, and finally retired to his berth.

Mr. Diblee maintained a close watch until I arrived at the gaol, which we immediately entered, and to our amazement found him extricated from all his irons. He had cut his way through the inner grate and had all his clothes collected, and with him ready to elope, and had cut the bar of the outer grate two thirds off, which no doubt, he would have completed long before morning, and made his escape. I said to him, "Smith, you keep at work yet ;" he answered that he had done work now, that all his tools were down the necessary. The truth of this, however, we proved by letting down a candle, by which we could clearly see the bottom ; but no tools were to be seen there. His return to the necessary, and dropping, or pretending to drop something down, was no doubt, an artifice, by which he attempted to divert our attention from the real spot where his tools were concealed. But in this also, with all his cunning, he overshot the mark, by

his over eagerness to tell us where he had cast his tools, instead of allowing us rather to draw the conclusion ourselves, from his return to the place, and dropping something down. We next proceeded to strip off and examine his clothing, carefully searching every hem and seam. His berth we knocked all to pieces, examining every joint and split ; we swept out and searched every part of the prison, knowing that he must have his instruments in some part of it ; but all to no purpose — nothing could be discovered.

We next replaced all his chains with padlocks ; put on him a pair of screw handcuffs, which confined his hands close together, and thus left him about 4 o'clock on Monday morning. On the day following, Mr. Jarvis, the blacksmith, having repaired the grates came to put them in, when he found Smith lying on the floor apparently as we left him ; but, on examining the new handcuffs, which screwed his hands close together when put on, we found them separated in such a manner that he could put them off and on when he pleased. On being asked why he destroyed those valuable handcuffs, "because," said he, "they are so stiff that nobody can wear them."

No doubt then remained that he must have his saws concealed about his body, and having been ordered to take off his clothes, he complied with his usual readiness. On taking off his shirt, which had not been done at any time previous in our searches about his body, Dr. A. Paddock, who was

present, and employed in the search, discovered a small muslin cord about his thigh, close to his body, and drawn so close that it could not be felt by the hand passing over it with the shirt between. This small cord was found to conceal on the inside of his thigh a fine steel saw plate, two inches broad and ten inches long, the teeth neatly cut on both the edges, no doubt of his own work. After this discovery we put on him light handcuffs, secured his chains with padlocks again, and set four men to watch him the whole night. The next day we secured the inner grate, filling the squares with brick, lime and sand, leaving a space at the upper corner of only four by five inches, in which was inserted a pane of glass in the centre of the wall. This small opening in a wall three feet thick, admitted little or no light, so that the room was rendered almost a dungeon, which prevented the prisoner from being seen at any time from the door without the light of a candle. From this time we never entered the prison without candles and two or three men.

On the 13th of November, I addressed a letter to Judge Chipman, to which I received the following answer :

“Saint John, November 14, 1814 — Dear Sir, — I received your letter of yesterday relating to the new attempts of H. M. Smith to escape. I have forwarded the same to Fredericton, and presume that a court will be ordered for his trial as soon as may be practicable for the state of the travelling, and the necessity of procuring the witness from

Nova Scotia ; though I should suppose not before the ice makes. In the mean time the utmost vigilance and precaution must be made use of to secure him ; you will be justified in any measures of severity that you may find it necessary to adopt for this purpose.

I am, dear Sir, faithfully yours,

WALTER BATES, ESQ.

WARD CHIPMAN."

Wednesday, the 16th, we entered the prison and found that he had been employed in breaking the plaster off the partition wall with his chains, and broken one of the padlocks, and appeared to have been loose ; seemed very vicious, and said "he would burn and destroy the building — would make it smoke before he left it" and that we would see it smoke. I then prepared a pair of steel fetters, case-hardened, about 10 inches long, which we put on his legs, with a chain from the middle, 7 feet long, which we stapled to the floor ; we also put an iron collar about his neck, with a chain about 8 feet long, stapled also to the floor in a direction opposite to the other ; and also a chain from his fetters to the neck collar, with handcuffs bolted to the middle of his chain in such a manner as to prevent his hands from reaching his head and feet when standing, leaving it just possible for him to feed himself when sitting.

All these irons and chains he received without discovering the least concern or regard. When the blacksmith had finished riveting the whole, I said to him, "Now, Smith, I would advise you to be quiet after this, or if you are not you will next have

an iron band put round your body and stapled fast down to the floor." He very calmly replied, "Old man, if you are not satisfied, you may put it on now. I do not regard it, if you will let me have my hands loose you may put on as much iron as you please. I care not for your iron." In this situation we left him, loaded with irons, the entire weight of which was forty-six pounds, and without anything to sit or lie upon but the naked floor.

Although he was thus situated and in an entire dungeon, he appeared not in the least humbled ; but became more troublesome and noisy, and exceedingly vicious against the gaoler. Despair and madness seemed now to seize him, and raving and roaring would unite with the utterance of prayers and portions of the Scriptures. With a tremendous voice he would cry out, " Oh you cruel devils — you murderers — you man-slayers — you tormentors of man ? How I burn to be revenged ; help, help, help me ; Lord help me to be revenged of those devils ; help me that I might tear up this place, that I may turn it upside down, that there may not be one stick or stone of it left. My hair shall not be shorn, nor my nails cut, till I grow as strong as Sampson, then will I be revenged of all my enemies. Help, help, O Lord help me to destroy these tormentors, murderers of man, tormenting me in chains and darkness ;" shouting, " darkness darkness, O darkness — not light to read the Word of God, — not one word of comfort from any. All is, — you rogue, you thief, you villian, — you

deserve to be hanged. No pity, not one word of consolation, — all darkness, all trouble ;” singing, “trouble, trouble, trouble ; O God help me, and have mercy upon me ; I fear there is no mercy for me ; — yes, there is mercy, it is in Jesus, whose arms stand open to receive ; but how shall I dare to look at Him whom I have offended.”

Then he would call upon his parents and deprecate his wicked life ; then rave again, “murderers, tormentors, consider you have souls to save, consider you have souls to lose as well as I, a poor prisoner ; consider you have children that may be brought to trouble as well as I ; consider I have parents as well as they. O ! if my parents knew my situation, it would kill them. My wife, begone from my sight ; why will you torment me ! It is for you that I suffer all my sorrow — it is for you my heart bleeds. Not a friend comes to see me — nothing before me but pain and sorrow, chains and darkness, misery and death, O ! wretched me, how long am I to suffer in this place of torment ! Am I to linger a life of pain and sorrow in chains and misery ? “No, I will cut the thread of life and be relieved from this place of darkness and trouble,” singing “trouble, trouble, trouble,” a thousand times repeated. In this manner he continued raving till he became very hoarse and exhausted, would take no notice of anything that was said to him, and finally left off speaking entirely.

The weather having become very cold, he was allowed his berth again, with a comfortable bed of

straw and blankets ; but the blankets had to be taken away from him again, on account of his having attempted to *hang* himself with one of them made into a rope. He next attempted to starve himself, but this he gave over, after having fasted three or four days. He now dropped into a state of quietness, and lay in his bed the most of the time, day as well as night ; but on the 16th of December we found on examining his prison, that he had broken the iron collar from his neck, and drawn the staple from the timber ; but replaced it again so as to prevent detection.

On the 17th, we put a chain about his neck, and stapled it to the floor in such a manner that he could not reach either of the staples. In this situation he remained secure and rather more quiet, yet with occasional shouting and screaming until the 15th of January. The weather having now become very cold, and no fire allowed him, fears were entertained that he might freeze ; to prevent which it became necessary to remove his irons, which with the exception of his fetters and handcuffs, were accordingly taken off. For this relief Smith showed no sign of thankfulness, but became more noisy and troublesome, especially in the night, disturbing all within the reach of his voice, with screeching and howling, and all manner of hideous noises, entirely unlike the human voice, and tremendously loud, even beyond conception. In this manner he continued for five months, occasionally committing violence upon himself and breaking his chains,

during which period he could never be surprised into the utterance of one single word or articulate sound, and took no notice of any person or thing, or of what was said to him, no more than if he had been a dumb, senseless animal; yet performing many curious and astonishing actions as will be related hereafter.

In the New Testament, which he always kept by him, a leaf was observed to be turned down, under which, upon examination, was found the following Scripture, in the 3rd Chapter of 1st Corinthians, "And I, brethren, could not speak unto you," &c.

The weather having been intensely cold throughout the month of January, and he having no fire, great fears were entertained that he must perish from cold, but astonishing to relate his hands and feet were always found to be warm, and even his chains! In February, when the weather began to moderate a little, he became more troublesome; began to tear off the lime wall and lathing, from the partition and break everything he could reach. A strong iron-hooped bucket that contained his drink he broke all to pieces; the hoops he broke up into pieces not exceeding three inches long, and would throw the pieces with such dexterity, though handcuffed, as to put out the candle when the goaler would bring the light to the wicket door to examine what he was doing.

As the weather moderated he became more noisy and vicious, as will appear by the following letter which I received from the goaler on February 10th:

"DEAR SIR, — There must be something done with Smith — he is determined to let me know what he is if no one else does — he sleeps in the day time, and when I go to tell him to keep still at night, he yells so as not to hear what I say to him. Instead of thanks for taking off his irons, he makes all the noises he can by yelling and screaming all night, and knocking very loud all night with some part of his irons. I wish you would come up early and advise what is best to be done.

W. DIBBLE."

I came to the gaol accordingly, and found his irons uninjured, and to prevent him from using his hands so freely, locked a chain from his fetters to his handcuffs, and left him.

On Sunday, two gentlemen from Nova Scotia, at the request of Smith's wife, came to make enquiry after him. I went with them to the gaol to see if he would speak or take any notice of them, or of what they would say to him from his wife. They told him that his wife wished to know if he would have her come to see him, and what she would do with the colt he left; that she would sell it for two hundred dollars, and have the money sent to him. But all they said had no effect on him, any more than if he had been a lifeless statue, which convinced us that he would go to the gallows without speaking a word or changing his countenance.

The next week he became more restless and vicious, and on Sunday, on going to the gaol with Mr. Rulofson, from Hampton, and Mr. Griffith, from Woodstock, found he had broken up part of

his berth, and broken his chain from the handcuffs, leaving one link to the staple, the parted links concealed; tore up part of his bedding and stopped the funnel of the necessary. It appeared also that he had been at the grates; but how he got there was a mystery, for the chain by which his legs were bound, was unbroken, and the staple fast in the timber. We then raised the staple and again put on the chain to his handcuffs, fastening the staple in another place, more out of his reach.

The next day I found he had again broken the chain from his handcuffs and torn a large portion of lathing and plastering from the middle wall. Finding this, I determined to confine him more closely than ever, and so put a chain from his feet round his neck, stapled to the floor, securing the handcuffs to the middle of the chain. He had already given such mysterious and astonishing proofs of his strength and invention, that I feared he would finally baffle all my ingenuity to prevent his escape. The twisting of the iron collar from his neck and drawing the staple from the timber, was a feat that filled every one with wonder. The collar was made of a flat bar of iron, an inch and a half wide, with the edges rounded. This he twisted as if it were a piece of leather, and broke it into two parts, which no man of common strength could have done with one end of the bar fastened in a smith's vise. The broken collar was kept a long time and shown to many a wonderer. As might be expected, his wrists were frequently much

swelled and very sore from his exertion to break and get loose from his irons ; yet he appeared as insensible and as regardless of his situation as if he had in reality been a furious maniac.

Notwithstanding the seeming insanity which characterized these works of his in the prison, yet other parts of his performance there indicated the most astonishing genius and invention ; perhaps in a manner and degree unequalled in the memory of man. On the 1st of March, on entering his prison in the evening, we found him walking in front of an *effigy or likeness of his wife*, which he had made and placed before him against the wall as large as life. When the light was thrown upon this scene, which he had prepared and got up in the dark, it not only filled us with amazement, but drew out all the sensibilities of the heart with the magic of a tragedy, not so much imaginary as real. This effigy he intended to represent his wife, visiting his wretched abode, and manifesting signs of disconsolation, anguish and despair, on beholding her wretched husband moving before her in chains and fetters, with dejected mein, and misery and despair depicted in his countenance. The effigy was formed out of his bedding and the clothes and shirt he tore off his body, together with a trough three or four feet in length, which was used in the jail to contain water for his drink. Rough as the materials were, yet he displayed such ingenuity in its formation, and conducted the scene in a manner so affecting, that the effect it produced when viewed with the

light of the candles, was really astonishing, and had a kind of magical power in drawing out the sympathies of every one who witnessed it.

He continued noisy and troublesome tll the 5th of March, when we took his irons off, and caused him to wash himself and comb his hair, which had not been cut since he was put in jail; neither had his beard been shaved. On receiving a piece of soap for washing, he ate a part, and used the rest. We then gave him a clean shirt, which he put on himself with the rest of his clothing, after which we replaced his irons, which he received in the same manner as an ox would his yoke, or a horse his harness.



CHAPTER VI.

Second Trial Ordered — Smith Continues to Break Chains and Relieved Himself of Fetters Rivetted on by a Blacksmith — Reads Bible and Makes Straw Figures — Feigns Insanity when Placed on Trial — Refused to Plead — Found Guilty and Sentenced to Death.



THE term of the Court of Common Pleas was now coming on, which required much of my attention for the necessary preparations; and Mr. Dibble, the jailer, being about to remove to Sussex Vale, to take charge of the Academy there, my situation began to look rather awkward and unpleasant. Accordingly the jailer moved away on the 11th of March, after the sitting of the Court, and from the extraordinary trouble which the prisoner was known to have given, I had little hope of finding any one who would be willing to take the charge. However I prevailed with Mr. James Reid (a man in whom I could confide) to undertake the charge of him; who, with his family moved into the house the day following.

After this, Smith appeared more cheerful, and became rather more quiet, until the 24th of March, when I was called on by the jailer, who informed me that Smith was attempting to break through the partition where the stove-pipe passed through into the debtors' room. On entering the jail we found him loose from all his irons, — his neck-chain was broken into three pieces; the chain from his neck

to his feet into three pieces ; the screw handcuffs into four pieces, and all hanging on nails on the partition. His great coat was torn into two parts, through the back, and then rent into small strips, one of which he used as a belt, and supported with it a wooden sword which he had formed out of a lath, and with which he amused himself by going through the "sword exercise," which he appeared to understand very well. The chains from his legs were disengaged from the staples, and tied together with a strip of the torn coat. His hand, his feet and his clothes, were all bloody ; and his whole appearance presented that of an infuriated madman. There were present on this occasion Messrs. Daniel Micheau, Moses Foster, George Raymond, Walker Tisdale, the jailer and some others. I then raised the staple, secured him by the leg chain put on a pair of stiff handcuffs, and added a chain to his neck, stapled to the floor. In this situation we left him until the 28th, when I was again called by the jailer, who said he believed he was loose again, and about some mischief.

On entering the jail, I accordingly found him loose, -- the chain from his neck in three parts ; he had beaten the lime off the wall with a piece of his chain three feet long. We left him for the purpose of getting his chains repaired ; at night we added a new chain from his fetters to his neck, and stapled him to the floor with a chain about four feet long ; we secured his handcuffs to the chain between his neck and feet, so that when standing, he could not

reach in any direction. In this situation he remained until the 31st, spending the time in singing and hallooing occasionally. I was then again called by the jailer, who, on opening the wicket-door, found a piece of chain hanging on the inside. I went immediately to the jail and found that he had separated all his chains, had tied his feet chain to the staple again, and was lying in his bed as unconcerned as if nothing had happened, having a piece of chain about his neck. We then took his bunk bedstead from him, and removed everything out of his reach ; no link in his chains appeared to be twisted, nor were there any broken links to be seen ; from this we inferred that he still must have some means of cutting his chains.

At this moment, however, it occurred to us that he might have the broken links concealed in the privy. We accordingly let down a candle, by which we could see the bottom, and with an iron hook prepared for this purpose, we brought up a bunch of broken links which he had tied up in a piece of his shirt, together with a piece of his neck chain a foot long. This convinced us that he had not destroyed his chains by means of cutting them, but by the application of some unknown mysterious power. I then determined to break the enchantment, if strength of chain would do it, and added to his fetters a large timber chain, which had been used as the bunk-chain of a bob-sled, by which four or five logs were usually hauled to a mill at once. The chains we had previously used were of a size

between that of a common ox-chain and a large horse trace-chain.

Secured in this manner we left him, and on the 6th of April found his neck-chain parted again. I then replaced it with a strong ox-chain about seven feet long, firmly stapled to the timber. The next morning the gaoler informed me that from the uncommon noise he made in the night, he was convinced he must be loose from some of his irons or chains. I then concluded that he must have broken his steel fetters, as I judged it impossible for human strength or invention, in his situation, to break either of the ox-chains; but to my utter astonishment I found the ox-chain parted and tied with a string to the staple, his handcuffs, fetters, and log chain having remained uninjured. We fastened the ox-chain to his neck again, by driving the staple into another link. After this, he remained more quiet, his wrists having been much galled and swelled by his irons, and bruised and rendered sore by his exertions to free himself from them.

At this time I received a letter from the Clerk of the Circuit, of which the following is a copy :

ST. JOHN, March 15th.—Dear Sir, — At length I enclose you the precept for summoning a Court of Oyer and Terminer and Gaol Delivery in your County, on Thursday, the 20th of April, for the trial of the horse-stealer—I also enclose a letter from Major King, for his saddle, stolen from him at the same time.

Yours, &c., WARD CHIPMAN.
To WALTER BATES, Esq., High Sheriff.

After this our prisoner remained for some time rather more peaceable, and amused himself with braiding straw, which he did in a curious manner, and made a kind of straw basket which he hung on the partition to contain his bread. Sometimes he would make the likeness of a man, and sometimes that of a woman, and place them in postures singularly striking; discovering much curious ingenuity. At this he would amuse himself in the day, but spent the night in shouting and hallooing, and beating the floor with his chains.

On entering the gaol, we discovered the image or likeness of a woman, intended to represent his wife. He had it placed in a sitting posture, at the head of his bed, with the New Testament open before her, as though reading to him, while he sat in the attitude of hearing with serious attention. I was induced to look into the New Testament, and found it open at the 12th chapter of St. Luke, and the leaf turned down at the 58th verse, which read as follows: "When thou goest with thine adversary to the Magistrate, as thou art in the way, give diligence that thou mayest be delivered from him; lest he hale thee to the judge, and the judge deliver thee to the officer, and the officer cast thee into prison." It would seem as though he had intended to represent her as reproaching him for his escape from the constables on his way to Kingston, while he would defend his conduct by referring to the above portion of the Scripture. He produced many other likenesses, which he would place in different

significant postures manifesting the most remarkable ingenuity and invention.

A special Court for his trial had been summoned to meet at Kingston on the 20th of April; but it was postponed until the 4th of May, on account of the ice having remained unusually late in the river, as will appear by the following letter:

ST. JOHN, 5th April, 1815 — Dear Sir,—I have received your letter detailing the very extraordinary conduct of the culprit in your custody. There is certainly a mystery in this man's means and character, which is unfathomable, and I fear there will be considerable difficulty with him on the trial. Your vigilance and exertions of course cannot be relaxed. As the best thing to be done, I despatched your letter, without delay, to the Attorney General, that they might adopt, at Head Quarters, any such measures as they might think expedient for the further safeguard and security of the prisoner.

Very respectfully yours,

TO W. BATES, Esq.

W. CHIPMAN.

SUNDAY, 16th April, 1815 — Dear Sir — I have just received by express from Fredericton, a letter from the Attorney General, stating that from the state of the river, it will be impracticable for him to be at Kingston by the 20th, and as he has hitherto taken the whole burthen of the trial upon himself, it cannot go on without him. From the circumstances, therefore, and as the present state of the travelling would probably render it dangerous to my father's health (who is not now very well) to hold the court this week, he has determined to put it off till Thursday, the 4th of May, for which day he wishes you to summon your jury, and to proclaim

the holding of the Court. He regrets much giving you this additional trouble, but it must be attributed to the extraordinary backwardness of the season, which was not, probably, foreseen when it was recommended to hold the Court on the 20th of April. I have not time to forward a new precept by this conveyance, but I will forward one in time, or the one you have may be altered. This can be easily arranged when we go up to the Court.

Yours truly,

W. BATES, Esquire.

W. CHIPMAN.

The Court was accordingly proclaimed, and at the same time I wrote a letter, inclosing the proclamation to Mr. Dibble, the former gaoler, to which I received the following answer :

DEAR SIR — I yesterday received your letter, inclosing your proclamation of the Circuit Court, for the trial of Smith, the horse-stealer. I shall be very sorry if Judge Chipman's health should be such as to prevent his attending the trial. Should the Attorney General attempt to prosecute on recognizance for the escape, I think his (the Judge's) influence at Court would prevent it. I am quite of your opinion, that it will be the most difficult case that has yet been before any Court for trial in this County. As for his behaving much better after I left the gaol, it was what I expected he would do, to put Reid off his guard. Those parts of his chains that were hanging in convenient situations, were powerful weapons, and had Reid come into the gaol alone, or weak-handed, he would have felt the weight of them. It is remarkable that the villain with all his art and cunning, should manage it so ill ; and it seems altogether providential that from the

beginning (except his sickness) he has either delayed too long or been too hasty, which has prevented his escape before, and I hope and trust will be the same with you. I am sorry for the trouble you have with him, and confidently hope and trust he will not evade your vigilance. You are too well acquainted with his conduct to need my advice. I must claim from you the particulars of his conduct at the trial.

I remain yours truly,

W. BATES, Esquire.

W. DIBBLE.

On the 30th of April, I went to the gaol and found Smith lying quietly with all his irons and chains uninjured, and told him that on Thursday next, the 4th of May, he must have his trial before the Court for his life or death; and that Mr. Pearson, the Deputy Sheriff who apprehended him at Pictou, had come to witness against him; but he paid no attention to what I said. The second day Mr. Pearson came to see him, and told him that his (Smith's) wife had come to see him; but he took no notice of him, no more than if he could neither see nor hear, and set at defiance all attempts to extort one single expression, as though he were destitute of every sense.

The third day we found that he had been at the stone wall, his face bruised and bloody. I renewed my attempts to elicit something from him by telling him that the next day he would be brought before the Court for his trial; but all was in vain. He gave me the most decided indications of confirmed insanity; patted his hands, hallooed, sang

without articulating, and continued to sing and beat the floor with his chains the most of the night.

The 4th of May, the day appointed for his trial, being now come, the Court began to assemble early in the morning, and numerous spectators crowded from every part of the county. About 11 o'clock his Honor Judge Saunders, and the Attorney General arrived from Fredericton. About 1 o'clock the whole Court moved in procession to the Court House, which was unusually crowded with spectators. After the opening of the Court in the usual form, the prisoner was called to the bar. The gaoler and four constables brought him and placed him in the criminal's box. He made no resistance, nor took any notice of the Court, and, as usual, acted the fool or the madman, snapping his fingers and patting his hands; he hem'd and ha'd, took off his shoes and socks, tore his shirt. Every eye was fixed on him with wonder and astonishment. After the Attorney General had read his indictment, the Judge asked him how he pleaded to that indictment, guilty or not guilty. He stood heedless and silent, without regarding what was said to him. The Judge then remonstrated with him, and warned him that if he stood mute out of obstinacy, his trial would go on, and he would be deprived of the opportunity of putting himself on his country for defence; and that sentence would be given against him; he therefore advised him to plead not guilty. He still continued mute, and acting the fool without betraying the slightest emotion. The

Judge then directed the Sheriff to empanel a jury of twelve men, to enquire whether the prisoner at the bar stood mute wilfully and obstinately, or by the visitation of God. From the evidence brought before the jury on this enquiry, it appeared that he had been in the same state for three months preceding, during which time he could not be surprised into the utterance of one word. The jury consequently returned their verdict that the prisoner stood mute by the visitation of God.

The Judge then directed the Attorney General to enter the plea of not guilty; and Counsel for the prisoner was admitted. The Court then adjourned till ten o'clock the next morning. The next morning, Friday, the Court assembled accordingly, and the prisoner was again brought to the bar, and placed in the criminal's box as before. He sat down quietly, maintained his usual silence and inattention. The most profound silence reigned in the Court, which was still crowded with spectators, and every eye was fixed on the prisoner with the most eager attention. The Judge then arose, and observed that the prisoner appeared more calm this morning, and directed the Attorney General to proceed with the trial.

After the jury had been empanelled and had taken their seats, and the witnesses brought before the Court, the prisoner was ordered to stand up for his defence; hold up his hand, and hear the evidence; but he still maintained the same disregard and indifference, giving no attention to

anything that was said to him. The constables were then directed to hold up his hand, but to this he offered the most determined resistance, and fought and struggled so furiously, that they were unable to manage him. They then procured a cord and pinioned his arms; but this was of no avail; he would flounce and clear himself from them all, as though he had the strength of some furious animal.

They then procured a rope and lashed his arms back to the railings of the box; but he still continued his struggling, and reaching the railings before him would break them like a pipe-stem. They then procured another rope and bound his hands together, and secured them to the railing in the opposite direction. Finding himself overpowered in his hands, he immediately availed himself of his feet, with which he kicked most lustily, and soon demolished all the railing in front of the box, notwithstanding all the efforts of the constables to prevent him. Another rope was then procured, and his feet bound each way from the posts of the box, so that he was rendered incapable of further mischief. After securing him in this manner, all the constables being in readiness for his movements, while he himself sat as unconcerned as though nothing had happened, the Attorney General proceeded to read his indictment, in which the prisoner stood charged with having feloniously stolen a certain bay horse, the property of Frederick Willis Knox, Esquire, of the value of thirty-five

pounds. Mr. Knox having been sworn, stated the manner of his pursuit after the prisoner, with all the circumstances, until he came to Truro, as has already been detailed. At Truro he engaged Mr. Pearson, Deputy Sheriff, to pursue on to Pictou, whither he was informed the prisoner had gone to sell the horse.

Mr. Peters, counsel for the prisoner, on the cross-examination of Mr. Knox, asked him how he wrote his christian name—"Willis" or "Wills." He answered, "I am christened and named after my god-father, Lord North, the Earl of Willsborough, and I never write my name Willis. Mr. Peters then produced authorities to show where one letter omitted or inserted in a man's name had quashed an indictment, and moved that the prisoner be discharged from this indictment. This move was over-ruled by the judge, but was reserved for a question in the Court above.

The witness Pearson having been sworn, deposed and said, that he pursued after the prisoner the whole night, and early the next morning was shown the prisoner, and arrested him on suspicion of having stolen the horse, and told him that the owner of the horse would soon be present. He seemed but little surprised, and only replied that he came honestly by the horse. The witness further stated that he then asked the prisoner where the horse was, who unhesitatingly pointed to the house where he soon after found him. Witness went on to state that he took the prisoner before a Justice for examination,

and thence to the jail at Pictou. That he then went to the house which the prisoner had pointed out to him, and there found the horse ; that he returned homewards with the horse about ten miles, and met Mr. Knox, who immediately knew the horse, and called his name "Britain." That they then returned to Pictou, where the prisoner remained in jail, and on examination was found to have in his possession a watch, and about fifteen guineas in money, with a number of watch seals and other articles, some of which it appeared he had stolen on his way as he escaped with the horse. That he was committed to the charge of a constable and Mr. Knox, to be conveyed by a warrant from Nova Scotia to the jail at King's County, in New Brunswick. That before he was taken from the jail at Pictou he had cut the bolt of his handcuffs nearly through, and had artfully concealed it, which was fortunately discovered, and new handcuffs provided, otherwise he must certainly have escaped from his keepers before he arrived at Kingston.

The circumstances against the prisoner were, that he gave contradictory statements as to the way in which he came by the horse ; at one time asserting that he bought him from a pedlar ; at another from a Frenchman ; again, that he swapped for him ; and at Amherst produced a receipt for money paid in exchange.

The Counsel for the prisoner, in cross-examining, asked Mr. Knox, did you ever see the prisoner in possession of the horse ! "No ; but he acknow-

ledged it." "Did you ever hear him acknowledge that he was in possession of the horse in any other way than by saying he came honestly by him?" "No." Mr. Pearson was cross-examined in the same manner, and answered to the same effect.

Mr. Peters, in defence of the prisoner produced authorities to show that by the evidence the prisoner was not taken in the manner as stated in the declaration, and that it was sufficient for him to prove, in a general way, how he came in possession of the horse, which he was able to do by a receipt he produced for the money paid in exchange, the best general evidence that can be given, as such is the common way in dealing in horses. He acknowledged that if the prisoner had been taken on the back of the horse, he would then have been taken in the manner as stated by the Attorney General, and consequently bound to prove how he came in possession; but in the present case, he himself, or any one present, might have been in this unfortunate prisoner's situation; dragged to the prison, to court and to the gallows, because he could not produce the person who actually sold him the horse. The prosecutor had not produced any evidence of the horse ever having been in the possession of the prisoner, any other way than by his own confession; and he trusted that the jury would not hesitate to find that the prisoner was not taken in the manner as stated in the declaration, but would pronounce him, by their verdict, "Not Guilty."

The Judge, in his charge to the jury, overruled


the plea, by stating to the jury that his having been taken in the manner, was proved by the various accounts he gave of his getting possession of the horse, thus rendering himself liable to prove how he came by him, or to stand guilty of having feloniously taken him, as stated in the indictment. That they had heard the witnesses and if, from the evidence and circumstances before them, they would find him guilty; but if they had any doubts, that leaning to mercy, they would find him not guilty.

While the jury was out, the sheriff invited the Court and other gentlemen to visit gaol, where they were shown the irons and chains, and the situation in which the prisoner had been placed.

The jury, after an absence of about two hours, returned with a verdict of "Guilty." The judge then proceeded to pass upon him the awful sentence of the law, "Death, without the benefit of Clergy;" but the criminal remained unmoved and unaffected, and continued shouting and hallooing. The court asked the counsel for the prisoner whether he had anything to offer in arrest of judgment, or why the sentence of death should not be executed upon him. Mr. Peters then arose and produced authorities to show that the present law that took away "the benefit of Clergy" for *horse-stealing*, was not in force in this colony, and that it could not be construed to be in force, and must be a question to be decided in the higher court, where he hoped to have the honor of discussing it. The judge admitted the plea; but gave his opinion against him.

CHAPTER VII.

After Sentence Smith Assumes Indifference to His Fate—Breaks Fastenings Again—His Marionette Family Described by Sheriff Bates—Tells Something of His Past History—His Case Considered by Supreme Court at Fredericton.

HE business being ended, the prisoner was returned to his cell, where he received his chains with willingness and apparent satisfaction ; and the court adjourned without delay. The Attorney General, however, gave me to understand that the prisoner would not be executed immediately ; and requested that I would observe his behavior, and inform him by letter the particulars of his conduct. The next morning I visited him, and observed to him that he was now under sentence of death, and he would be allowed only one pound of bread every day, with water, during the short time he had to live. That as soon as the death warrant was signed by the president, he would be executed, and that a short time only was left him to prepare for the dreadful event. But he paid no attention ; patted his hands, sang and acted the fool as usual. One of his visitors being much surprised at his insensibility, observed to him, “Smith, it is too late for you to deceive any more ; your fate is fixed now, and you had better employ your little time in making your peace with God, than to act the fool any longer.” On our next visit to the gaol, which was soon after, we found his Testament open,

and a leaf turned down on the following passage—
“If any man among you seemeth to be wise, let him become a fool, that he may be wise.” From this it would appear, that he either founded his pretended insanity on Scripture precept, or affected to do so; yet it cannot be supposed that he intended us to know what use he made of this Scripture, as he must have known that our conclusion would be that he was “more rogue than fool.”

I kept him nine days on bread and water, during which time he manifested no sign of hunger, more than when fed with four times his allowance, and tore off every particle of his clothing, leaving himself entirely naked. After this time, I allowed him other provisions, and his subsequent behavior was briefly stated in a letter to the Attorney General, and afterwards, published in the “Royal Gazette.” The following is a true copy of the letter, as it appeared in that paper, July 11th, 1815:

“Copy of a letter from the High Sheriff of Kings County:

KINGSTON, June 26th, 1815 — My Dear Sir —
Having heard nothing from you since the late gaol delivery at Kings County, I beg leave to state to you some circumstances of the criminal, Henry More Smith, since his trial and sentence. After securing him with strong chains to his neck and legs, and with handcuffs, he continued beating the floor, hallooing day and night with little intermission, making different sounds; sometimes with jinkling his chains, and sometimes without, apparently in different parts of the gaol, insomuch

that the gaoler frequently sent for me, supposing he must be loose from his chains, which I conceived and frequently observed was impossible, being far beyond the power of human strength or invention, in his situation ; but on the 24th of May, going into the gaol early in the morning, (after examining his chains at 2 o'clock the day before,) I found three links of his heaviest chains separated, and lying on the floor, being part of the chain without the staple. He continued in the same way until the 2nd of June, when we found the largest chain parted about the middle and tied with a string, which clearly proves that irons and chains are no security for him. I then put on a light chain, with which he has been ever since. I never discovered him at work at anything, but he frequently produced effigies or likenesses, very striking, representing his wife. He now produced an effigy of a man in perfect shape, with his features painted, and joints to all his limbs, and dressed him in clothes that he had made in good shape and fashion out of clothes he had torn off himself, (being now naked,) which was admired for its ingenuity. This he would put sometimes in one position and sometimes in another, and seemed to amuse himself with it, without taking the least notice of anything else ; continuing in his old way hallooing, without any alteration, until the 13th, when the gaoler informed me that he refused to eat, and no doubt was sick. I went to see him every day — found he did not eat — all the bread and other provisions conveyed to him he gave to his effigy, strung on a string, and put in his hands. He lay perfectly still day and night, and took no notice of anything — would drink tea or milk, which I gave him twice a day for five days, he then refused to drink anything for two days, which made seven days that he ate nothing. In that time he began to

— would ask questions, but would hold no conversation. But the most extraordinary, the most wonderful and mysterious of all, is that in this time he has prepared, undiscovered, and at once exhibited the most striking picture of genius, art, taste, and invention, that ever was, and I presume ever will be produced by any human being placed in his situation, in a dark room, chained and handcuffed, under sentence of death, without so much as a nail of any kind to work with but his hands, and naked. The exhibition is far beyond my power to describe. To give you some faint idea, permit me to say, that it consists of ten characters—men, women and children—all made and painted in the most expressive manner, with all the limbs and joints of the human frame—each performing different parts; their features, shape and form, all express their different offices and character, their dress is of different fashions, and suitable to the stations in which they are. To view them in their stations, they appear as perfect as though alive, with all the air and gaiety of actors on the stage. Smith sits in his bed by the side of the gaol, his exhibition begins about a foot from the floor, and compasses the whole space to the ceiling. The uppermost is a man whom he calls his tamborine player, or sometimes Dr. Blunt, standing with all the pride and appearance of a master musician; his left hand akimbo, his right hand on his tamborine, dressed in suitable uniform. Next him, below, is a lady genteely dressed, gracefully sitting in a handsome swing; at her left stands a man, neatly dressed, in the character of a servant, holding the side of the swing with his right, his left hand on his hip, in an easy posture, waiting the lady's motion. On her right hand stands a man genteely dressed, in the character of a gallant, in a graceful posture for

dancing. Beneath these three figures, sits a young man and a young woman (apparently about fourteen,) in a posture of tilting, at each end of a board, decently dressed. Directly under these stands one whom he calls Bonaparte, or sometimes the father of his family; he stands erect, his features are prominent, his cheeks red, his teeth are white and set in order, his gums and lips red, his nose shaded black, representing the nostrils; his dress is that of the harlequin. In one hand he holds an infant, with the other he plays or beats music; before him stand two children, apparently three or four years old, holding each other by the hand, in the act of playing or dancing, which, with a man dressed in fashion, who appears in the character of a steward, sometimes in one situation, and sometimes in another, makes up the show, all of which you have in one view. Then commences the performance.

The first operation is from the tamborine player, or master, who gives two or three single strokes on his tamborine, that may be heard in any part of the house, without moving his body. He then dances gracefully a few steps, without touching his tamborine; the lady is then swung two or three times by the steward; then the gallant takes a few steps; then the two below tilt a few times in the most easy, pleasant manner; then the two children dance a little, holding each other by the hand; after this, Smith begins to sing or whistle a tune, to which they are to dance, at which the tamborine strikes, and every one dances to the tune, with motion, ease, and exactness not to be described. Many have been the observations of spectators; amongst them, an old German observed that, "when he was starving the seven days, he was making a league with the devil and that he helped

him." All acknowledged with me, that it exceeds anything they ever saw or imagined. His whole conduct from the first has been, and is, one continued scene of mystery.

He has never shown any idea or knowledge of his trial or present situation ; he seems happy ; his irons and chains are no apparent inconvenience ; contented like a dog or monkey broke to his chain ; shows no more idea of anything past, than if he had no recollection.

He, in short, is a mysterious character, possessing the art of invention beyond common capacity. I am almost ashamed to forward you so long a letter on the subject, and so unintelligible ; I think, if I could have done justice in describing the exhibition, it would have been worthy a place in the "Royal Gazette," and better worth the attention of the public than all the wax-work ever exhibited in this Province.

I am with all respect, Dear Sir,
Your Humble Servant,

WALTER BATES.

To THOMAS WETMORE, Esquire, Attorney General.

"P.S. — Wednesday, the 28th. — This morning I found he added to his works a drummer, placed at the left of his tamborine player, equal in appearance, and exceeding in performance ; beats the drum with either hand, or both occasionally, in concert with the tamborine, keeping time with perfect exactness ; sometimes sitting, at others standing or dancing. He had also, in the most striking manner, changed the position of his scene. The lady above described to be sitting so gracefully in her swing, with so many attendants and admirers, is now represented sitting in a dejected posture, with a young infant in her arms ; her gallant has left

her, and is taking the young girl before described, about fourteen, by the hand, with an air of great gallantry, leading her, and dancing to the tune with perfect exactness, representing more than can be described. On viewing this an old Scotchman observed, — ‘Some say he is mad, others he is a fool; but I say he is the sharpest man I ever saw; his performance exceeds all I have ever met with, and I do not believe he was ever equalled by man.’ This evening, a gentleman from Boston, having heard the above description, came to see the performance, and declared he could say, as the Queen of Sheba did, that ‘the half had not been told.’”

To this the editor of the “Gazette” adds the following remarks :

“We have given an entire copy of the above letter, which has excited our astonishment, and will, probably, that of every other person who has not seen the exhibition and performance described in it. Those who are acquainted with the sheriff, know him to be incapable of stating falsehoods, or attempting in any way to practice a deception, and will, of course, give credit to the statement of facts, wonderful as they may appear to be, which he has made.”

The Supreme Court, in July, being about to be held in Fredericton, and feeling anxious to know the fate of the prisoner, I attended for this purpose; and having ascertained from the Attorney General that his destiny would not be fatal, I returned again to Kingston, when the gaoler informed me that the first night I had left Kingston, Smith had drawn the

staple of the chain that was about his neck, and had so concealed them both that they could not be found ; and the glass in the brick wall was broken at the same time ; but that the chain could not have gone through that way, as the outside glass in the window was whole ; that the room and every other part of the gaol had been thoroughly searched ; but neither the chain nor staple could be found ; neither could it be imagined how he broke the glass, as it was far beyond the reach of his chains. On my entering the jail, Smith said to me, "The devil told my drummer, if I did not put that chain out of the way, you would certainly put it about my neck again ;" that he hated it, and had murdered it and put it under the dirt ; but he feared he should have no peace till he raised it again. I then told him he must raise it again, and if he behaved himself well I would not put it about his neck again. The next morning the chain was seen lying on the jail floor ; but where or by what means he concealed it, could never be found out. I then took off his handcuffs, and gave him water to wash himself. I also gave him a clean shirt and a jacket, and a young man who was present gave him a black handkerchief, which he put about his neck and seemed much pleased ; and said if he had a fiddle, or any instrument of music, he could play for his family to dance ; if he had a set of bagpipes, he could play on them very well, and that if we gave him wood and leather, he would make a set. He was offered a fife, which he

handled in a clumsy way ; but he said he believed he could learn to play on it. He paid the boy for it, and then took the fife, and would play any tune either right or left handed. I then told him if he would behave well I would not put his handcuffs on that day. He replied that he would then have his family in good order for my ball ; but he observed that when he put one hand to anything the other would follow as though the handcuffs were on. We gave him some materials that he wanted, and then left him ; this was the 17th of July. On the 18th we found him busily employed with his family, making improvements for the ball. I gave him pen, ink, and paint, and many articles for clothing, &c.

All his figures were formed of straw from his bedding, curiously entwined and interwoven. The colouring he had used before was his own blood, and coal which he got from a piece of burnt timber in the jail ; and their first clothing was made from his own torn clothes. He now began to talk more coherently and accounted for the broken glass. He said to me, — “My drummer cried out for more air ;” his family stood so thick about him. “Well,” said I “tell me how to get more air and I will go to work at it. He told me to make a strong whisp of straw, long enough to reach the glass and break it, which I did, and then after undoing the whisp put the straw in my bed again.” He continued improving his family, by dressing and painting them all anew, and by adding to their number. He said there was

a gentleman and lady coming from France to attend his ball, and all of them must perform well. With the money he received from visitors, many of whom I have known to give him a dollar for one exhibition, he purchased calico enough for a curtain or screen. In front of the partition stood all his family which he continued to improve and increase, until he said they were all present and were coming to the ball; and about the 10th August completed his show for exhibition. The whole consisted of twenty-four characters, male and female, six of which beat music in concert with the fiddle, while sixteen danced to the tune; the other two were pugilists; Bonaparte with his sword fighting an Irishman with his shillelah. His musicians were dressed in their proper uniform; some were drummers, some were tamborine players, and some were bell-ringers. In the centre stood his dancing master, with his hat, boots and gloves on. In an advanced station stood an old soldier in Scotch uniform, acting as sentinel, while Smith himself stood before them, his feet under the curtain, playing a tune on the fiddle, to which they would all dance or beat in perfect harmony with the music — the one half on the right to one part of the tune, and the other half on the left to the other part, and then all together as regular and as natural as life. The dancing master with his right hand and foot with one part, and his left hand and foot with the other, and then with the whole together, with the utmost ease, to any tune that was played. So ingenious, and I may say, so

wonderful was the exhibition, that it is impossible to do justice to its description ; and numbers of persons from different parts came to indulge their curiosity by witnessing the performance, and all expressed their astonishment in terms the most unqualified. Doctor Prior, a gentleman from Pennsylvania, was among the number of visitors. He told me that he had spent most of his time in foreign parts, travelling for general and literary information, and had made it a point to examine all curiosities, both natural and artificial, and that having heard much of an extraordinary person I had in prison, he came for the express purpose of seeing him and his exhibition. Having viewed his person and every part of his performance, he was pleased to say that he had travelled through all the continent of America, and a great part of Europe, but had never met anything the equal of what he there saw performed and that he certainly should not fail to insert a notice of it in the journal of his travels and observations.

Another gentleman, Dr. Coughlen, from Ireland, who had been surgeon in His Majesty's service both by land and sea, came also to visit our prisoner, and see his extraordinary exhibition, and after having viewed it occasionally for several days, while he remained at Kingston, declared that he had lived in England, Ireland and Scotland ; had been in France and Holland and through a great part of Europe ; had been at Hamburg and other places famous for numerous exhibitions of various kinds,

but had never met with any that in all respects equalled what he there saw exhibited. The doctor then belonging to the Garrison at St. Andrews, having heard, while at Head Quarters, from the Attorney General, an account of this extraordinary character, took his tour from Fredericton by way of Kingston, for the express purpose of satisfying his curiosity, and seeing for himself. When on entering the prison, Smith, seeing the doctor in regimentals, said to him with much good humor, "I suppose you are come here looking for deserters; there is my old drummer, I don't know but he deserted from some regiment—the rest are all my family." He seemed very much pleased with his new visitor, and readily exhibited every part of his performance, to the full satisfaction of the doctor, who expressed his astonishment in the most unqualified terms, and acknowledged that it far exceeded his anticipations.

August 13th — At evening we found that he had improved his Scotch sentinel by giving him a carved wooden head, finished with the natural features of a bold Highlander. This was the first of his carved work. He had also much improved his pugilists. Bonaparte, by some unlucky stroke, had killed the Irishman, and had taken off his head and hung it up at his right hand. A brawny old Scotchman had taken the Irishman's place, and was giving the Corsican a hard time of it, knocking him down as often as he got up.

Next day at noon I called to see him ; he had been fiddling remarkably well, and singing very merrily ; but on my entering I found him busily employed at carving a head which was to take Bonaparte's place, for that bold Scotchman would overpower him soon. He observed that carving was a trade in England, and that he did not expect to do so well at it before he made the trial ; and further remarked that a man did not know what he could do until he set about it ; and that he had never failed in anything he undertook. He said he had never seen any such show in England as that he was now working at ; that he had only dreamed of his family, and had the impression that he must "go to work" and make them all ; that if he did, it would be better with him, and if he did not, it would be bad with him ; that he had worked ever since, by night and by day, and had not quite completed them yet ; that there were a shoemaker and a tailor that had not come yet for want of room ; that he should make room if he did not go away ; that he had been here until he had become perfectly contented ; and "contentment," he said "was the brightest jewel in his life ;" and that he never enjoyed himself better than he did at present with his family.

In the evening I went in to see him again ; and as my curiosity to know the origin of so singular a character was greatly excited, I hoped that the present would have proved a favorable opportunity to draw some information from him ; but he

cautiously and studiously avoided answering any questions relative to his previous life, and affected not to understand what I said to him.

Sometimes he would talk very freely, and in a prophetic strain, of his future destiny. He said he knew he was going away from home, and that he should find enemies ; every one who knew him would be afraid of him, and look upon him with distrust and horror. That occasionally he was distressed in his sleep with all kinds of creatures coming about him. Great hogs and all kinds of cattle and creeping things, snakes and adders, frogs and toads, and every hateful thing. That he would start up from sleep and walk about the prison ; then lie down and get asleep, and be annoyed with them again. That he would sit up and talk to his family, and sometimes take his fiddle and play to amuse himself, and drive away these dreary hours of night. He said these snakes and adders he could read very well ; that he knew what they all meant, and could understand something concerning the others ; but that these frogs and toads coming together he could not understand ; only that he knew he was to leave this place and go on the water, and that he could see as clearly as he saw me standing before him, that he should find enemies, and everybody would be afraid of him ; but he would hurt no one ; that he should find trouble, and have irons on him, but that they should come off again ; that the crickets came and would get upon his children and would sing among them ; that he liked to hear them ; that

his mother told him he must not hurt them, they were harmless, and that he must not hurt anybody.

His mother, he continued to say, always gave him good advice ; but he had done that which he ought not to have done, and had suffered for it ; but he forgave all his enemies. The Lord says, if you would ask forgiveness of Him, forgive thy brother also. We cannot expect forgiveness except we repent and forgive our enemies. The word of God is plain ; except you forgive your brother his trespasses, neither will your Heavenly Father forgive you when you ask of him. All men are sinners before God ; watch, therefore, and pray that ye enter not into temptation. I watch here and pray with my family night and day ; they cannot pray for themselves. But I shall not stay long ; he could go to sea as supercargo of some vessel, or he could get his living with his family as a show in any country but England, and he had never seen such a show in England ; that he had never enjoyed himself better than with his family at present. He did not care for himself so long as his family looked well ; he would be willing to die, and he should like to die here rather than go among his enemies ; but he believed he had one friend in England, old Willie, if he is yet alive ; he was always his friend, and he should like to go and see him. And he had one sister, he said, in England, that he wanted to see ; she played well on the pianoforte, and he himself could play on it also. She was married to a lieutenant in the army but he was promoted to be captain now. If he

could he would go to see her in England, where he had friends.

He also said that he had an uncle in Liverpool, a merchant. Then looking earnestly upon me, he said, "My name is not Smith — my name is Henry J. Moon. I was educated in Cambridge College, in England. I understand English, French and Latin well, and can speak and write five different languages." He also said he could write any hand as handsome or as bad as I ever saw. He said he had five hundred pounds in the Bank of England, which was in the care of Mr. Turner, and that he wished to have his wife get it, as he did not know where he should go; but he knew he should meet with trouble; yet he did not fear what man could do to him, for he could but kill him, and he should like to die here. After hearkening to these inchoerent observations for a length of time, without being able to obtain an answer to any question I put to him, I left him for that time.



CHAPTER VIII.

Smith Becomes a Fortune Teller and Startles the Gaoler — Fortells His Own Release — Pardoned by the Court he Refuses to Leave the Gaol which He Sets on Fire in a Mysterious Way — Finally Shipped on a Schooner to Nova Scotia with his Marionettes.

THE next morning, when the gaoler went in to see him, Smith said he had been fishing, and had caught a large fish. The gaoler, on looking, perceived the chain which Smith had formerly worn about his neck, and had been missing a long time, but never could find out where or by what means he concealed it. After this he commenced a new scene of mystery, that of fortune-telling; in which, if he did not possess the power of divination, he was wonderfully successful.

The gaoler carried him his breakfast, with tea; Smith observed to him that he could tell him anything, past or to come. The gaoler then asked him to tell him something that had happened to him. Smith replied, — “Some time ago you rode a great way on my account, and carried letters and papers about me, and about others too. Again you went after a man, and you had to go on the water before you found him, and I am not sure that you found him on the water. While you were after him you saw a man at work in the mud on the highway, and you enquired of him for the man you wanted. He told you what you asked. You then asked him if there was any water near, that you could drink.

He told you of a place where he had drank ; you went to it, but found the water so bad you did not drink it. ”

The gaoler was greatly astonished at this, knowing the whole affair to be true just as he had stated, and had no recollection of ever having mentioned the circumstance to any person. Perhaps all this may be attempted to be explained away in some manner, or may be attributed merely to his imagination, or the hazard of an opinion ; but it would be a coincidence not to be expected, and very unlikely to happen. Besides, he often hit upon a development of facts, which could not be accounted for, but upon the supposition of some mysterious knowledge of things beyond the reach of common conception, as the following particulars will fully testify :

The next morning, Aug. 13, he told me his own fortune out of his tea-cup. After looking into the cup for some time, he kissed it, and told the gaoler he was going away from this place, that he was going over the water, and must have a box to put his family in ; that he saw three papers that were written and sent about him, and that one of them was larger than the other two, and contained something for him that he did not understand, but he would soon know.

The next morning, Aug. 14th, he looked in his cup again, and told the gaoler that these papers were on their way coming, and would be here this day at 4 o'clock, and he would soon know what

they contained about him. Accordingly I received papers from Fredericton, containing his pardon, and two letters just as he had predicted ! !

In addition to this, the following must be regarded as a very singular and remarkable prediction, which, independently of some unknown mysterious means, cannot be accounted for. Early in the morning he remarked to the gaoler in his usual manner :

“ This man over the way has a son who has gone to sea, and is at sea now ; but he will be here this night, and you shall see that I will affront him.” Now mark the sequel. It so happened that a fresh breeze springing up to the southward, with a strong flood tide, the vessel which contained the young man was alongside in the dock in St. John, on the same day about two o'clock. He was then and there informed that one of his sisters lay dangerously ill at Kingston, and that Dr. Smith was just going up to visit her. The young man hired a horse, and in company with the doctor, arrived at his father's about the time that we usually visited the prisoner in the evening.

I called at Mr. Perkins', and found that the doctor and young Perkins had just arrived. The doctor said to me that he had heard much of my extraordinary prisoner, and if I had no objection, he should be much pleased to see him and his show, he had heard so much of his great performance. Young Mr. Perkins said he would also like to see the show, and all went with me into the gaol.

and found Smith lying on his bed, but without appearing to take notice of any one present. Mr. Perkins, like everyone else, was much astonished at the appearance of his show, as it was exhibited on the wall, and had a great desire to see the performance.

He put down a quarter dollar by Smith, and said he would give it to him if he would make his puppets dance; but Smith would not take any notice of him, and young Perkins continued to urge him to the performance, but without effect, until now he was quite out of patience, and finally took up his money, which he had proposed giving for the exhibition, and left the gaol in quite an ill humor. After Perkins left the gaol Smith said, "now, if any of you want to see my family dance, you may see them in welcome;" — and took up his fiddle and went through the performance to the entire satisfaction of all present.

Now the reader may account for this mysterious prediction and its fulfilment upon whatever grounds he pleases; but the arrival of the young man from sea that day, his coming to Kingston, and his being affronted by Smith in the jail, are facts which cannot be disputed. The writer is aware that he may incur the imputation of weakness for narrating some things relative to the prisoner; but as they are all characteristic of him in a high degree, and when all united, set him forth before the world as a character singular and unprecedented, he considered that every part of his sayings and doings had their interest, and were necessary to be narrated.

After closing the exhibition of his family for this time, he went on to say, that he had told his fortune from his tea-cup, and it came always alike ; that he could tell a great deal by dreams. The devil helped fortune telling, he said, but dreams were the inspiration of God. When the hogs came to him by night he could tell a great deal by them. "Your neighbor," he said to me, "had a black sow that had pigs, some black, some all white, and one with red dots before and behind." By them he said he could tell much. I was aware that Mr. Perkins had a sow with young pigs, and I had the curiosity to look at them, but they did not answer to his description, and I consequently allowed these remarks of his relative to the sow and pigs to pass for nothing. However, in the evening, as I was leaving the jail, Smith said to me (and without a word having been said about my looking at the pigs.) "The pigs I told you about are not those you examined, they were six months old." I made no reply, knowing that Mr. Scovil had a sow with pigs, answering to his description in every particular.

On Saturday morning, Smith said to the jailer, "Your neighbor over the way there, has a sow that has gone away into the woods, and she has pups, — some all black, some all white, and some black and white, and she will come home before night, and when she comes, she will have but one pig, and that will be a plump black pig, and they will never know what became of the others." Accordingly, the sow

about 4 o'clock, came home with her one "plump black pig," and was immediately driven back into the woods the way by which she appeared to have come ; but according to the precise terms of Smith's prediction, the others were never found !

The next evening after I had received his pardon from Fredericton, I went to see him, and found him, in bed, but he said he could not eat ; asked for some new potatoes, and remarked that the jailer's wife had new potatoes yesterday ; and did not appear in his usual good humor. Although he would both talk and act at times rationally, yet he had never recovered from his pretended insanity, nor even until his release from my custody, thus carrying out his scheme, in perfect wisdom, to the last. But now, with the pardon in my hand, I hoped to make some impression upon him, and if possible, bring him to some sense of his situation, by compassionately proposing my assistance to get him out of the Province. I then proceeded to inform him that I had received his pardon, that his attorney had proved his friend, and had petitioned the president and court, stating that he was a young man, and this having been the first instance of a case for horse-stealing before the court in this Province, prayed that mercy might be extended and his life spared ; and that president and council had been graciously pleased to withdraw the sentence and grant his pardon ; and that I was now authorized to release him on his entering into recognizance to appear in the Supreme court and

plead his pardon when called upon. The only reply made was, "I wish you would bring me some new potatoes when you come again."

I proceeded to say that as soon as he was ready, and would let me know where he wished to go, I would give him clothing, and would give him time to put his family in order, and a box to put them up in; observing that they might be a means of getting him a living until he could find better employment, without being driven to the necessity of stealing.

He replied. "Have you not got boys and girls that wish to see my family dance? Bring all your family to see them; I will show them as much as you please, but others must pay." I remained with him nearly an hour afterwards without saying any more on the subject of his PARDON; during which time he continued to talk incoherently as he had done the evening before. That we must watch and pray lest we enter into temptation; that he prayed with his family; they could not pray for themselves; that we must be spiritually minded, for to be spiritually minded was life; but to be carnally minded was death; and much more of this kind, repeating large portions from the New Testament, nearly whole chapters.

He observed, "Now you see I can read as well to you without the book as others can with the book. I can read you almost all of any other chapter in the Bible you will name, either in the Old or New Testament, it makes not much difference; in the

dark as well as in the light. My wife is a good little woman; she would get the Bible on Sunday, and say to me, 'Henry, come sit down and hear me read the Bible; but I would laugh, and tell her I could read better without the book than she could with it, and go out and look after my horse, or do anything on Sundays. I have been a bad fellow; when I was in England I gave all my attention to reading my Bible, and became a great Methodist, and went to all the Methodist meetings, and would pray and exhort amongst them, and finally became a preacher and preached in Brighton, Northampton, Southampton, and in London; and great numbers came to hear me. I was sometimes astonished to see how many followed to hear me preach the Scriptures, when I knew they were deceived. But I did not follow preaching long in London.' He went on to state his reasons for giving up preaching, or rather the reasons that prevented his continuing to preach. He had given himself up to the company of lewd women, and had contracted the disease common to such associations.

A course like this could not remain long concealed, and the issue was that he was prevented from preaching, and was eventually obliged to leave England, and come to this country. He went on to say — "I have been a bad young man. I am young now, only twenty-three years of age — not twenty-four yet; and did not know but he would preach again; he could easily find converts; many would like to hear him preach. When he was a preacher

he was spiritually minded, and all was peace and heaven to him ; but ever since all was trouble, and misery to him. He never intended to leave this place ; he was contented and willing to stay here until he died ; he was better off here than anywhere else, and never wished to go into the world again unless he was a preacher.

After hearing him talk in this manner for some time, I left him till the next day at noon, when I went to the gaol again, and gave him a good dinner, and read his pardon to him. When he saw the paper, he said, "That looks like the paper which I dreamed I saw, with two angels and a ship on it, with something that looked like snakes." When I read his pardon he paid not the least attention to the nature of it, but asked questions as foreign to the nature of the subject as possible ; only he said he wished I would give him that paper ; he dreamed it was coming. I told him as soon as I would get him some clothes made, I would give him the paper ; and that I would help him away with his show in a box, and that he might not be driven to the necessity of stealing ; and in the evening I went with a tailor to take his measure for a coat.

When he saw the tailor with his measure, he said, "I wish you would give me that ribbon in your hand." "It is no ribbon," said the tailor, "but a measure to measure you for a new coat ; come stand up." "What !" said he, "do you think you are tailor enough to make me a coat !" "Yes." "But you do not look like it ; let me look at your hands

and fingers." and upon seeing them, he added, "you are no tailor, you look more like blacksmith, you shall never make a coat for me," and would not be measured, but he said he would make it better himself, and wished I would give him a candle to work by, and he would make himself a waistcoat.

He said I need not be afraid of his doing any harm with the candle, he would put it in the middle of the floor, and take care that his straw and chips did not take fire and burn up his family, which he could not live without, as he could not labor for his living. Besides, he said, if he were so disposed, he could burn up the house without a candle; for, said he, I can make fire in one hour at any time. "When I was a boy," continued he "every one took notice of me as a very forward boy, and I obtained a license for shooting when I was but fifteen. One day when shooting I killed a rabbit on a farmer's land where I had no right. The old farmer came after me, and I told him if he would come near me I would knock him down, but he caught me, and tied me fast to a large stack of faggots, and sent for a constable. While he was gone I made fire, and burned up the whole stack, and got off clear; but the old farmer never knew how the faggots took fire. "You do not use faggots in this country — they are little sticks tied up in bundles, and sold to boil the tea-kettle with; and if I would give him a candle, he would make a fire to light it. Accordingly I provided materials for his clothes, and a lighted candle to work by. He continued to sew by the

light of the candle but a short time and put it away from him, and said he could see better without it ; he completed his waistcoat in the neatest manner, and occasionally attended to the improvement of his family.

August 29th, at evening, many persons came to see his performance, as was usual, and when they were all gone out, he told me that he had carved a new figure of Bonaparte ; that the first he had made after his own image and likeness, for he was the man after his own heart, but he had fallen. God, he said, made man out of the dust of the earth, but he had made man out of the wood of the earth.

He had now been in my custody more than a year, and almost every day developed some new feature of his character, or produced some fresh effort of his genius. I had had much trouble with him, and my patience often severely tried ; but now I viewed him rather as an object of commiseration, and I could not think of turning him out of the gaol naked, destitute and friendless. In such a situation he must starve or steal, so that his pardon and release must become rather a curse than a blessing. I represented these things as feelingly as I could to him, gave him a box to put his family in, and told him he must be ready to leave the Province on Tuesday morning, and I would procure him a passage either to Nova Scotia or the United States. To all this he gave no attention, but asked some frivolous questions about Mohawks and snakes, and acted the fool, so that I began to conclude that I

would now have much more trouble to get him out of gaol than I formerly had to keep him in it.

The next day Judge Pickett and Judge Micheau attended at the court house, to take the recognizances required of him to appear and plead his pardon when called upon to do so. After divesting him of his irons, and furnishing him with decent clothing, it was with much difficulty I could prevail on him to leave the gaol. However, he finally took one of his family in one hand, and a pair of scissors in the other, and with much effort we got him up into one of the jury rooms, when Judge Micheau read his pardon to him, and explained all the circumstances which united to produce it, to which, as usual, he gave no attention, but looked about the room and talked of something else.

Judge Pickett required his recognizance, and informed him that if he did not leave the Province immediately he would be taken and tried on two indictments in the county of York. He took no notice of what was said, but talked and danced about the room, told the judge he looked like a tailor, and asked him to give him his shoe string. His pardon, lying on the table, he caught hold of, and before it could be recovered from him, he clipped off the seal with the scissors; he said he wanted the ship that was on it to carry him away with his family. He tore the collar off his coat, and cut it in pieces with the scissors. Finding that nothing else could be done with him, I returned

him again into prison, when he said to us that for our using him so kindly, he would, for one shilling, show us all his performance with his family. Upon which Judge Micheau gave him half a dollar, and told him to return a quarter dollar change, and then he would have more than a shilling. He took it, and said it was a nice piece of money, and put it in his pocket, but the judge could not make him understand the meaning of change.

He then performed the exhibition in fine style, but when we were leaving him he seemed out of humor with Judge Pickett, and told him that he had thrown stones at him, that he would burn his house, and that this place would be in flames before morning. He could make a fire in half an hour, and wanted a fire, and would have a fire, and I should see that he could make fire. Upon which we left him, without apprehending anything from his threats more than usual.

But the next day, the 29th, when entering the gaol for the purpose of preparing for his removal, I perceived that there was much smoke in the hall, which I supposed had come from the gaoler's room, but he said that no smoke had been caused that morning, but that it proceeded from the prison door. I immediately opened the door, and found Smith sitting quite unconcerned before a fire which he had made with the chips of his carved work, and other materials. He observed to me that fire was very comfortable, that he had not seen any before for a long time, that he had made the fire with his

own hands, and that he could make it again in ten minutes; that he could not do without one. I immediately extinguished the fire, and shut him up in the suffocating smoke, which did not seem to give him the least inconvenience. The account of his having made the fire excited the neighbors, who came in to see the feat. I ordered him to put his family into his box immediately; he took no notice of my orders. I hastily took down one of them, and laid it in his box, at which he seemed pleased, and said he would put them all in that box, and began to take them down very actively, observing that he did not want assistance from any one, but leave him with the light and he would have them all ready in half an hour.

We left him with the candle, and returning in about an hour, found him walking the floor, and every thing he had packed up in the box very neatly. It was remarkable to see with what skill and ingenuity he had packed them up. I gave him a pair of new shoes and with the box on his shoulders, he marched off to the boat that I had prepared for his conveyance, and with three men in the boat we set out with him for the city of Saint John. On the way he told the gaoler, if he would give him but one dollar he would teach him the way to make fire on any occasion. Receiving no reply from the gaoler, he commenced preaching, praying, and singing hymns, and sometimes acting as if crazy, during the passage down. We made

no stop by the way, and reached Saint John about 8 o'clock in the evening.

On his perceiving the moon as she made her appearance between two clouds, he observed that here was a relation of his that he was glad to see ; that he had not seen one of his name for a long time. On our arrival at the prison in Saint John, he said he must have a hot supper with tea, and then wished to be locked up in a strong room, where he might have all his family out to take the air to-night, else they would all die in that box before morning. However, we found all the rooms in the prison occupied, or undergoing repairs, so that there was no place to confine him. I directed the gaoler to provide him with his supper, while I would call upon the sheriff to know what would be done with him for the night, and how he would be disposed of in the morning. I understood from the sheriff that there was no vessel to sail for the States for some days, and therefore made up my mind that I should send him to Nova Scotia. When I returned to the gaol I found Smith at his supper ; when he had finished his tea, he looked into his cup and remarked that he must not disturb his family to-night ; that he there saw the vessel, then lying at the wharf, that would carry him to his wife — and there would be crying. While in confinement, the following letter was received from his wife :

DEAR HUSBAND — I received your letter of the 22nd Oct., 1815. You say you have sent several

letters — if you have, I have never received them. You wish me to come and see you, which I would have done, if I had got the letter in time ; but I did not know whether you were in Kingston or not. My dear, do not think hard of me that I do not come to see you — if you write back to me I shall come immediately. My dear, as soon as you receive this letter send me an answer, that I may know what to do ; so no more at present, but that I remain your loving and affectionate wife.

H. F. M. S., Kingston.

ELIZABETH P. M. S.

The gaoler, by direction of the sheriff, cleared out a small room above stairs, with an iron-grated window where we confined him, with his family, for the night. On the next morning, the 30th of August, finding that there was no vessel bound for the States, I determined to send him to Nova Scotia ; and happening to meet with my friend, Mr. Daniel Scovil, he informed me that he had a vessel then lying at the wharf, which would sail for Windsor, Nova Scotia, in half an hour. I accordingly prevailed on him to take Smith on board, which was done without loss of time, and at high water the vessel hauled off from the wharf, to my great satisfaction and relief.

While the vessel was getting under weigh, Smith was in the cabin alone, and seeing a great number of chain traces lying on the cabin floor, he took them up and threw them all out of the cabin window ! “Because,” said he, “they would get about my neck again.” During the passage he appeared very active ; he played on his fife and was quite an

agreeable passenger. But on the vessel's arrival at Windsor, he left her immediately without any ceremony; and notwithstanding the very strong regard which he had always possessed for his family as he called them, he left them also, and everything else that he had brought with him. He was seen only a very short time in Windsor before he entirely disappeared, and never was known to be there afterwards, but was seen at some distance from Windsor, in several other places, and recognized by many, but always carefully evaded being spoken to.



CHAPTER IX.

Did Not Go to His Wife in Nova Scotia but Made a Tour
Committing Various Depredations -- Is Seen in Portland,
Maine -- Is Heard of at Boston and New York and Then at
New Haven Where He Robbed a Hotel -- Arrest and Escape,
Recapture and Conviction.

AFTER having made his appearance in different parts of Nova Scotia, he called at a certain house one morning, on a bye-road, and ordered breakfast, and asked for a towel also, and a piece of soap that he might wash at a small brook that was near the house. The woman of the house, and a maid, were the only persons in the house at the time. Smith left a large bundle, which he carried, on a chest which was standing in the room, and went out to wash. The bundle presented rather a singular appearance, and attracted the young woman's notice, so that she said to the other: "I wonder what he has in that bundle. If you will keep watch at the window while he is washing at the brook, I will open and see what is in it." They did so and found a great number of watches, of which they counted fifteen, with many other valuable articles.

She tied up the bundle again, and placed it where he had left it and said, "This man has stolen these watches." When he came in, he handed the towel to the young woman, and said, "There were just fifteen watches, were there?" and with such an expression of countenance, that she could not refrain

from answering, "Yes." "But," said he, "you were mistaken about my stealing them, for I came honestly by them." Upon which the young woman instantly recognized him to be Henry More Smith, and concluded that he was collecting his "hidden treasure," which he had deposited while he was in Roden.

This information I received from Mrs. Beckwith, a respectable lady from Nova Scotia, who resided at the time in that neighborhood, who also said it was not known that he had ever seen his wife at that time, from the time of his release from confinement. The next account I heard of him stated that he had been seen on board of a plaster vessel at Eastport, but he was not known to have been on shore during the time she remained there. He employed himself while on board engraving a number of small articles, some of which he made presents of to young ladies who chanced to come on board.

He was next seen at Portland, by a gentleman who had known him at Kingston; nothing, however, transpired there concerning him, only that he was travelling with considerable weight of baggage through the State of Maine, which gave rise to the following ludicrous story, which I saw published at Eastport, of a Mysterious Stranger travelling in a stage. One cold and stormy night, the bar room of an hotel was filled with sturdy farmers surrounding a cheerful fire, and discussing the affairs of state over a mug of flip. The night having

been tremendously stormy and wet, the wind whistling all around the house, and making every door and window rattle, the landlord expressed much fear for the safety of the stage-coach; but suddenly the sound of a distant stage-horn announced the approach of the coach and removed the landlord's anxiety. He replenished the fire, that the approaching travellers might have as warm a retreat as possible from the unusual inclemency of the night.

Some time passed, and yet the expected coach did not come up. The landlord's fears grew up anew, and with an expression of concern he put the question around, "Did not some of you hear a horn?" and added, "I have expected the stage a long time, and I thought that a few minutes ago I heard the horn near at hand; but I fear that something has happened in the gale that has caused it to be thus belated." "I thought I heard the stage-horn some time ago," answered the arch young farmer Hopkins; "but then you must know that ghosts and witches are very busy on such nights as this, and what kind of pranks they may cut up we cannot tell. You know the old adage,—*"Busy as the devil in a gale of wind."* Now who knows but they may have ——" Here he was interrupted by the sudden opening of the door, accompanied by a violent gust of wind and the dashing of rain, when in rushed from the fury of the storm, drenched with wet from head to foot, a tall stranger, dressed in a fur cap and shaggy great coat.

From an impulse of politeness and respect, not unmingled with fear, all arose on his entrance, — the expression “The devil in a gale of wind,” rushing upon their minds with a signification to which a profound silence gave expressive utterance. The stranger noticed their reserved yet voluntary respect with a slight nod, and proceeded to disencumber himself of his wet clothes and warm his fingers by the fire. By this time the driver entered bearing the baggage of his passenger. “The worst storm I was ever troubled with blowing right in my teeth, and I guess the gentleman there found it the same.” Here a low whisper ensued between the driver and the landlord, from which an unconnected word or phrase dropped upon the ear of the inmates. “Don’t know, — came in the, — as rich as a mine,” &c. Upon this information the landlord immediately took his wet garments and hung them carefully before the fire. “I hope that your wetting will not injure your health, sir.” “I hardly think it will, my good friend; I am no child to catch cold from a ducking.” “Shall I show you a room, sir?” said the landlord. “We can let you have as good a room and as comfortable a supper as any in the country.”

The stranger was immediately conducted into a handsome parlor, in which blazed a cheerful fire; and in a short time a smoking supper was placed on the board. After supper was over, he called the landlord into his room, and sent for his trunk. “I like your accommodations,” accosting the landlord,

“and if you like my proposals equally well, I will be your guest for some time, though I know not how long. Nay, I shall stay at any price you please — but remember, I must have my rooms to myself, and they must not be entered without my leave; and whatever I do, no questions to be asked. Do you consent to these terms?” “I do sir,” replied the landlord, “and you shall not have cause to complain of your treatment.” “Very well,” rejoined the stranger, “then the agreement is completed. You may go now.” “Yes, sir,” replied the landlord, “but what may I call your name, sir?” “Beware, you have broken the bargain already,” replied the stranger. “I forgive you for this once only; now ask no more questions, or you will certainly drive me from your house.”

After this the landlord returned to his bar-room, from which the merry farmers had not yet withdrawn, but were endeavoring to penetrate the mystery that hung around the stranger. “Well, landlord,” said the arch Hopkins, “what do you make him out to be?” “That is a question I dare hardly answer. He is a gentleman, for he does not grudge his money.” “I would not think he should,” replied Hopkins, shaking his head mysteriously. “And why not?” exclaimed several of the company. “Ah, just as I thought,” returned Hopkins, with another shake of the head and significant look at the landlord. “What, in the name of all that’s silly, is the matter with you, Hopkins?” exclaimed the landlord. “What on earth can you

know?" "I know what I know," was his reply. "Rather doubtful, that," rejoined the landlord. "You doubt it," returned Hopkins, rather warmly; "then I will tell you what I think him to be; he is nothing more or less than a pirate; and you will all be murdered in your beds, Smith, (which was the landlord's name,) you and your whole family, before morning. Now what think you of your guest?"

All the company stood aghast, and stared at each other in silence for some time, until the landlord again ventured to interrupt the silence by asking Hopkins "How do you know all that?" Hopkins answered, in rather a silly manner, "I guessed at it," which did away with the effect produced by his previous assertions; and the landlord dismissing his fears, exclaimed, "As long as he pays well, be he man or devil, he shall stay here." "A praiseworthy conclusion," proceeded from a voice at the back part of the room, and at that instant the mysterious stranger stood before them. All started to their feet, seized their hats and waited to ask no questions, nor make additional comments, but went home and told their wives of Smith's guest, and Hopkins' opinion of his character.

Every woman fastened her door that night with suspicious care, and the mysterious stranger, and the delineation of his real character by Hopkins, became a subject of general conversation and comment throughout the village, and gradually became the received opinion among all the settlers, so that

they set down the mysterious stranger for what Hopkins guessed him to be, and concluded that the articles which composed his baggage could not have been obtained honestly.

The stranger, finding now the conversation turned upon him, did not think it prudent to protract his stay in this place, and proceeding to Boston in the coach, was known from that time by the name of Maitland. He reached Boston about the 1st of November, where it was supposed he must have, in some way, disposed of much of his treasures. From thence he proceeded for New York; on the 7th November arrived at New Haven in the Boston stage coach, by the way of New London, with a large trunk full of clothing, a small portable desk, and money in his pockets. He was dressed in a handsome frock coat, with breeches, and a pair of top boots, and remained at the steamboat hotel several days. While he remained there, he always ate his meals alone, and preferred being alone in different parts of the hotel at different times, every part of which he had an opportunity of becoming acquainted with, while he remained waiting for the arrival of the steamer from New York.

The hotel was then kept by Mr. Henry Butler; and, as it afterwards appeared, the traveller found his way by means of keys, into Mr. Butlers's desk and sideboards, as well as every part of the house. He left New Haven in the steamboat at 5 a.m. on the 10th November, 1815. After his departure from New Haven, Mr. Butler's

servants discovered that their whole quantity of silver spoons, to the number of four or five dozen, which had been carefully put away in a side-board was missing, and not to be found on the premises ; and it was found, upon further search by Mr. Butler, that a watch and several other articles, with money from the desk, had sympathetically decamped with the spoons. Mr. Butler imagined that the theft must be chargeable on some lodger in the hotel, and immediately fixed his suspicions upon Smith, whose appearance and movements about the house furnished suspicions too strong to pass unnoticed.

Mr. Butler, without loss of time, set out for New York, and arriving there before the boat that carried the adventurer, he furnished himself with proper authority, and boarded the boat in the stream. After Mr. Butler had made some enquiries of Captain Bunker, who could not identify the traveller among all his passengers, Smith made his appearance from some part of the engine room and was immediately ordered by Mr. Butler to open his trunk, with which he complied unhesitatingly ; but the trunk did not disclose the expected booty. There was, however, in the trunk a very neat portable writing desk, which he refused to open, and Mr. Butler could not find out how it was fastened. However, he called for an axe to split it open, upon which Smith said, "I will show you," and, touching a spring, the lid flew open. The desk contained a set of neat engraving tools, with old silver rings and jewelry, amongst which

Mr. Butler perceived a small ear-ring, which he supposed belonged to a young lady that had slept in his house, and laid her ear-rings on a stand at the head of her bed, which were missing the next morning. After her departure one of the rings was found at the door of the hotel. Upon the evidence of this single ear-ring, he was arrested and put into the Bridewell in the city of New York.

The keeper of the Bridewell at that time was Archimial Allen, an old friend of mine, and a man of respectable character. On my visit to New York afterwards, I called on Mr. Allen, and enquired the particulars concerning W. H. Newman, (for this was the name he had assumed then) while in his custody. He informed me that when he was put in he behaved for some time very well; that he offered him a book; but he could neither read nor write a word. He soon began to complain of being sick from confinement, raised blood, and seemed so ill that a doctor attended him, but could not tell what was the matter with him. However, he kept up the farce of being ill until he was removed from Bridewell to New Haven, there to take his trial at the Supreme court in January.

His change of situation had the effect, as it would seem, of restoring his health, which brought along with it that display of his ingenuity which the peculiarity of his new situation seemed to call forth. During the period of his confinement at New Haven, he amused himself by carving two images — one representing himself, and the other Butler, in the

attitude of fighting. And so mechanically had he adjusted this production of his genius, that he would actually cause them to fight, and make the image representing himself knock down that of Butler, to the wonder and amusement of many that came to see him. By his insinuating manner and captivating address, he not only drew forth the sympathies of those who came to visit him, but even gained so far upon their credulity, as to induce a belief that he was innocent of the crime with which he was charged.

The lapse of a few days, however, made impressions of a different nature. The January Court term drew nigh, at which our prisoner was to receive his trial, but on the very eve of his trial, and after the Court had been summoned, he, by the power of a mind which seldom failed him in the hour of emergency, contrived and effected his escape in the following curious and singular manner. And here it will be necessary to give some description of the prison, with the situation of the apartments, which the writer was himself, by the politeness of the keeper, permitted to survey. There was a wide hall leading from the front of the County House, and from this hall, two separate prisons were entered by their respective doors; between these doors, a timber partition crossed the hall, having in it a door also, to allow an entrance to the inner prison. The object in having this partition, was to prevent any intercourse between the two prison doors, and it was so placed as to leave

a distance of about two feet on each side between it and the prison doors respectively. Newman, (for this it will be remembered is the name by which our prisoner is now known); was confined in the inner prison.

The doors of the prison opened by shoving inwards, and when shut were secured by two strong bolts, which entered into stone posts, with clasps lapped over a staple, to which were fixed strong padlocks. These padlocks, our prisoner, by some means, managed to open or remove, so that he could open the door at pleasure, and fix the padlocks again in so geniously, that it could not be detected from their appearance. On the night of the 12th January, at the usual time of feeding the prisoners, Newman, availing himself of these adjustments, opened his door, came out, and replacing the locks, took his stand behind the door of the partition, which, when open, would conceal him from observation. The prisoners in the other apartments received their supply first, and the instant when the servant was proceeding from the door to go and bring Newman's supper, he stepped through the partition door, which had been first opened and not shut again, and followed the servant softly through the hall to the front door, and walked away undiscovered! When the servant returned with his supper to the wicket, she called him, but receiving no answer, placed his supper inside of the wicket, saying, "you may take it or leave it; I am not going to wait here all night." She then

secured the outer door, and so the matter rested till the morning.

The next morning, finding that the prisoner had not taken his supper, the servant observed to the keeper, that she feared Newman was dead, for he had not taken his supper ; and she called him, but could not hear or see anything of him. Upon this, the keeper came with his keys to unlock the door, and to his utter astonishment, found both locks broken and the prison empty. The keeper made known the matter to the sheriff, and on the 13th, the day subsequent to his escape, the following notice was inserted in the Connecticut Journal :

“BEWARE OF A VILLAIN !— One of the most accomplished villains that disgraces our country, broke from the jail in this city on Friday evening last, between the hours of five and six o’clock, and succeeded in making his escape. The fellow calls himself Newman, and was bound over for trial at the sitting of the next Supreme Court, on the charge of burglary, having robbed the house of Mr. Butler, of plate, money, etc. He is supposed to be an Englishman, and is undoubtedly a most profound adept in the arts of knavery and deception. He speaks the English and French languages fluently, and can play off the air of a genteel Frenchman with the most imposing gravity. He is of middling stature, slender and active, and appears to possess an astonishing variety of genius. He is sick or well, grave or gay, silent or loquacious, and can fence, box, fight, run, sing, dance, play, whistle, or talk, as occasion suits. He amused himself while in prison, by making and managing a puppet show, which he performed apparently with such means as

to excite the wonder of the credulous, having a piece of an old horse-shoe, whetted on the wall of his dungeon, as the only instrument of his mechanism, and complaining only of the scarcity of timber to complete his group. He had the address, by an irresistible flow of good humor and cheerfulness, to make some believe that he was quite an innocent and harmless man; and excited sympathy enough in those who had the curiosity to see him, to obtain several gratifications which prisoners do not usually enjoy; yet the depth of his cunning was evinced in accomplishing his means of escape, which he effected by sawing a hole in the prison door, which is several inches thick, so neatly, that the block could be taken out and replaced without any marks of violence. Through this hole he could thrust his arm, and by wrenching off strong padlocks, and shoving back the bolts, at the hour of supper, when the person who waited on the prisoners was giving them their food, found a free passage to the hall of the counting house, and thence to the street."

The saw which he used in cutting the door of the prison, is supposed to have been one which he stole on board the steamboat Fulton, on his passage from New York to New Haven, and so artfully did he conceal the saw, though repeatedly searched both before and after his confinement, at the suggestion of Capt. Bunker, that he retained it about his person until by its means he effected his escape.

About the time that Newman made his elopement, Mr. Butler happened to be in New York, and on his return by land, he met Newman travelling leisurely along, a few miles distant from the city.

Mr. Butler readily recognized him, and immediately instituted a pursuit, but he baffled his attempt to apprehend him and made his retreat into the woods. Upon this Mr. Butler engaged a party of men, with dogs and fire-arms to ferret him out if possible, but he had vigilance and art sufficient to elude their efforts to take him.

The next morning after the chase, he made his appearance at a certain house, where he found the table placed for the family breakfast, and without invitation or ceremony, sat down at the table and began to eat. While he was eating he observed to the family, that he would not let them take him yesterday — referring to his pursuers. “Was it you they were after?” enquired some of the family. “Yes, but I would not let them find me.” “How came you from New Haven?” was next enquired. “I staid a great while,” he replied, “but they did not find anything against me, only that a young woman pretended to say that I had an ear-ring of hers which belonged to my wife, which was not worth waiting for, and so I came away.”

Here, however, he was apprehended, and sent again to Bridewell; but when he came there, he denied being the man, and had so altered his appearance and dress, that no one knew him, until Mr. Allen, the keeper of the prison at New Haven, came and recognized him. He took him in charge at the Bridewell and returned with him to New Haven in the steamboat. On his arrival at the county house, the sheriff had him closely searched, to see

that he had no saws, or any other instruments by which he might effect another escape. After the search, he was confined in the criminal's room, handcuffed, with a shackle about one of his legs, to which was attached a long iron chain firmly stapled to the floor, and in company with two negro boys who were confined for stealing.

In this situation he was left in the evening; and the next morning, when the keeper came to the door of his prison, he found him walking the room smoking his pipe, with the chain on his shoulder, and the handcuffs in his hand, which he presented to the keeper, saying, "you may take these, they may be of use to you, for they are of no use to me." The keeper, on attempting to open the door, found that he had not only drawn the staple, but had raised the floor also, which was of strong plank firmly fastened to the sleepers with spikes. The heads of some of the spikes were drawn through the planks which he had taken up, and with which he had so barricaded the door that the keeper attempted in vain to enter. Upon this, he called upon the sheriff, who came and ordered the prisoner to open the door, to which he replied from within, "My house is my castle, and none shall enter alive without my leave." The sheriff then ordered the two colored boys (who stood trembling with fear) to come and remove the fastening from the door, but the prisoner told them that death would be their portion if they attempted it.

The sheriff finding him determined not to open the door, and having attempted in vain to get in by other means, sent for a mason, and ordered him to break an opening through the brick partition which divided the lower room. When the mason commenced operations on the wall, Newman said to the sheriff, "It is no use to make a hole through the wall, for I could kill every vagabond as fast as they put their heads in, but if the sheriff will bring no one in but gentlemen, I will open the door for him."

The door was then opened, and the sheriff went in and secured him; and soon after, more strongly, with additional irons and chains. Finding himself now over-powered, and another escape rather hopeless, he had recourse to his old scheme of yelling and screaming like anything but the human voice, and seemingly in every part of the house. This he kept up all night, until the whole town was literally alarmed. A special court was therefore immediately called, and in a few days he was brought to his trial.

The trial was brought on as a case of burglary, the prisoner having entered a chamber of Mr. Butler's, and stole an ear-ring belonging to a young lady then lodging at the house. Newman obtained counsel to plead his case; but not being satisfied with the manner in which the trial was conducted, he pleaded his own case, in which he maintained that the ear-ring did not belong to the lady, but to his own wife; that very *like* was not the same, and

that the evidence before the court did not establish the charge. He was found guilty, however, and sentenced to three years confinement in the Newgate, Simsbury Mines, which was considered rather a stretch of power, on account of his infamous and notorious character. He was consequently sent off next day to the place of his future confinement and labor, ironed and chained, and in a wagon under a strong guard.



CHAPTER X.

Seen in the Connecticut Prison by Sheriff Bates He Denies That He is Henry More Smith — After His Release from Prison He Robbed a Passenger in the Boston Coach — Visits Upper Canada as a Smuggler — Turns up as a Preacher in the Southern States — Is Arrested in Maryland for Theft — Possibly Finished His Career in Toronto.

AFTER I arrived in New Haven, where I was put in possession of these particulars concerning him, no person was known in the United States who could identify him to be the noted Henry More Smith but myself. I was consequently requested, for the gratification of the public, to go to Simsbury Mines to see him. I had the curiosity to see how he conducted himself at Newgate, and proceeded to Simsbury, about fifty miles, for the purpose. On my arrival at Simsbury, I enquired of Capt. Washburn, the keeper of the prison, how Newman conducted himself. He answered that he behaved very well; that he heard that he was a very bad fellow, but he had so many that were worse he did not think anything bad in Newman. I further enquired of the keeper what account Newman gave of himself, and what he acknowledged to have been his occupation. His answer to these enquiries were, that he professed to be a tailor, if anything, but he had not been accustomed to much hard work, as he had always been subject to fits; that his fits were frightful, and that in his agony and distress he would turn round on his head and

shoulders like a top, and he was so bruised and chafed with his irons in his convulsive agonies, that he had taken the shackles off his legs, so that now he had only one on one leg. This was as convincing to me as possible that he was my old friend Smith.

The captain asked me if I had a wish to liberate him. I replied, my object was to ascertain whether he were a prisoner I had in my custody more than twelve months, and that if he were, he would know me immediately, but would not profess to know me. Accordingly, when he was brought into my presence in the captain's room, he maintained a perfect indifference, and took no notice of me whatever. I said to him, "Newman, what have you been doing that has brought you here?" "Nothing," said he, "I had an ear-ring with me that belonged to my wife, and a young lady claimed it and swore it belonged to her, and I had no friend to speak in favor of me, and they sent me to prison." I then asked him whether he had ever seen me before. He looked earnestly upon me and said, "I do not know but I have seen you at New Haven, there were many men at court." Where did you come from?" His reply was, "I came from Canada." "What countryman are you?" "A Frenchman, born in France." He had been in London and Liverpool, but never at Brighton. "Was you ever at Kingston, New Brunswick?" He answered, "No, he did not know where that was," with a countenance as unmoved as if he had spoken in all the confidence of truth.

He appeared rather more fleshy than when at Kingston; but still remained the same subtle, mysterious being. I understood that he was the first that had ever effected an exemption from labor in that prison by or on any pretence whatever. He kept himself clean and decent, and among the wretched victims who were daily brought from the horrid pit in chains and fetters to their daily labor of making nails, William Newman appeared quite a distinguished character. So obtuse was he that he could not be taught to make a nail, and yet so ingenious was he, that he made a jew's harp to the greatest perfection, without being discovered at work and without its being known until he was playing on it.

It was in the city of New Haven that the author published the first edition of these Memoirs, being aware that here, where his character and unprecedented actions were perfectly known throughout the country, the publication of his doings at Kingston, and his career throughout the Provinces of New Brunswick and Nova Scotia would not only be desirable and acceptable, but would also be received with less scrupulousness, when brought, as it were, in contact with facts of a similar nature publicly known and believed.

While these papers were being prepared for the press, a gentleman from Washington, Major McDaniel, on his return from Boston, boarded some time in the same house with me, that of Mr. Joseph Nichols, and having heard some details from me of

his unprecedented character and actions in New Brunswick, and having also become acquainted with the facts relating to his imprisonment and escape, etc., in that place, could not repress his curiosity in going to see him, and requested me to accompany him at his own expense. He observed that it would be a high gratification to him, on his return to Washington, that he would not only have one of my books with him, but would also be able to say that he had personally seen the sheriff from New Brunswick that had written the book, and had seen the remarkable character in the prison of Newgate that had constituted the subject of the book, and also the prison of New Haven from which he escaped.

Accordingly we set out from Newgate, and my friend had the satisfaction of seeing the noted Henry More Smith, now William Newman. On our leaving him, I said to him, "Now, Smith, if you have anything you wish to communicate to your wife, I will let her know it." He looked at me and said, "Sir, are you going to the Jerseys?" "Why do you think your wife is there?" "I hope so; I left her there," was his reply, and that with as much firmness and seeming earnestness as if he had never before seen my face. After I had left him and returned to New Haven, and furnished the printer with this additional sketch, and had the Memoirs completed, one of the books was shown to him, which he perused with much attention and replied with seeming indifference that there never

was such a character in existence, but that some gentleman travelling in the United States had run short of money, and had invented that book to defray his expenses!

Immediately after he had read the Memoirs of his own unparalleled life and actions, and pronounced the whole a fiction, as if to outdo anything before recited of him, or attributed to him, he added the following remarkable feat to the list, already so full of his singular and unprecedented actions. In the presence of a number of young persons, and when there was a fine fire burning on the hearth, he affected to be suddenly seized with a violent convulsive fit, falling down on the floor and bounding and writhing about as if in the most agonizing suffering. And what constituted the wonder of this masterpiece of affectation was, that in his spasmodic contortions his feet came in contact with the fire, and were literally beginning to be roasted, without his appearing to feel any pain from the burning. This circumstance confirmed the belief in the bystanders that the fit was a reality; and he did not miss his aim in showing off his spasmodic attack, which was indeed done to the life. He was consequently exempted from hard labor, and was permitted to employ himself in any trifling occupation he chose, or in making jew's harps, pen-knives, knives of various descriptions, and rings, in the mechanism of which he displayed much original talent and characteristic ingenuity. Many persons, from mere curiosity, purchased

among the rest may be instanced the case of two young men, who very much admired his small pen-knives, and proposed purchasing two of them on condition of his engraving his name on the handles of them. He immediately engraved, with perfect neatness, "Henry More Smith," on one side of one of them, "William Newman," on the other side, and on the other knife he engraved, "Mysterious Stranger." These knives were kept by their owners as curiosities, and many persons were much gratified by seeing them. One of them was sometime after brought to Kingston, and I myself had the gratification of seeing the name of my old domestic engraved on the handle.

Under the indulgent treatment he received in Newgate, he became perfectly reconciled to his situation, manifesting no desire to leave it. "Contentment" he said, "is the brightest jewel in this life, and I was never more contented in my life." Consequently he never attempted any means of escape.

After the period of his imprisonment was up, and he had received his discharge, he left with the keeper of the prison a highly finished pocket-knife, of moderate size, the handle of which contained a watch, complete in all its parts, keeping time regularly. And what excited much wonder in reference to this ingenious and singularly curious piece of mechanism, was the fact that he had never been found at work on any part of the watch or knife, and yet there was no doubt in the minds of

those who saw it that it was in reality the production of his own genius, and the work of his own hands. For this information I was indebted to a gentlemen named Osborne, who resided in the neighbourhood, and who stated that he had seen the watch and knife himself, and that it was regarded by all as a most wonderful piece of ingenuity.

He left Simsbury decently appalled, and with some money in his pocket, and in possession of some articles of his own handiwork. He directed his course eastward, and was seen in Boston; but for some time nothing particular or striking was heard of him. The first thing concerning him, that arrested public attention, was published in the Boston Bulletin, and which came under my own eye :

BEWARE OF PICKPOCKETS ! — As the stage coach, full of passengers, was on its way to this city a few evenings since, one of the passengers rang the bell, and cried out to the driver to stop his horses, as his pockets had been picked of a large sum of money since he entered the coach ; and at the same time requested the driver would not let any of the passengers get out of the coach ; it being dark, until he, the aforesaid passenger, should bring a light in order to have a general search. This caused a general feeling of pockets among the passengers, when another passenger cried out that his pocket-book had also been stolen. The driver did as directed until the gentleman who first spoke should have time to have procured a lamp, but whether he found it or not remained quite uncertain. But no doubt he found the light he intended should answer

his purpose, as he did not make his appearance in any other light. However the passenger who really lost his pocket-book, which, although it did not contain but a small amount of money, thinks he shall hereafter understand what is meant when a man in a stage coach calls out thief, and that he will prefer darkness rather than light, if ever such an evil joke is offered to be played with him again.

As he was continually changing his name, as well as his place, it was impossible always to identify his person, especially as few persons in the United States were personally acquainted with him. The difficulty of recognizing him was not a little increased also by the circumstances of his continually changing his external appearance; and the iniquitous means by which he could obtain money and change of apparel, always afforded him a perfect facility of assuming a different appearance. In addition to these circumstances also, as a feature of character which no less contributed to the difficulty of identifying him, must be taken into account his unequalled and inimitable ease in affecting different and various characters, and his perfect and unembarrassed composure in the most difficult and perplexing circumstances. To the identity and eccentricity, therefore, of his actions, rather than to our knowledge of the identity of his person and name, we must depend, in our future attempts to trace his footsteps and mark their characteristic points.

On this ground, therefore, there is not the shadow of a doubt that the robbery committed in the stage

coach, and that the originality of the means by which he carried off his booty pointed with unhesitating certainty to the noted character of our narrative. After this depredation in the coach, with which he came off successful, it would appear that he bended his course in disguise through the States of Connecticut and New York, assuming different characters and committing many robberies undiscovered and even unsuspected for a length of time, and afterwards made his appearance in Upper Canada in the character of a gentleman merchant from New Brunswick with a large quantity of smuggled goods from New York, which he said was coming on after him in wagons. These, he said, he intended to dispose of on very moderate terms, so as to suit purchasers.

Here he called upon my brother, Augustus Bates, Deputy Postmaster, at Wellington Square, head of Lake Ontario, and informed the family that he was well acquainted with Sheriff Bates at Kingston, and that he called to let them know that he and his family were well. He regretted very much that he had not found Mr. Bates at home, and stated that he was upon urgent and important business and could not tarry with them for the night, but would leave a letter for him. This he accordingly did, properly addressed, and in good handwriting; but when it was opened, and its contents examined, no one in the place could make out the name of the writer, or read any part of the letter! It appeared to have been written in the characters of some

foreign language, but it could not be decyphered. This was another of his characteristic eccentricities, but his intention in it could not be well understood.

He did not appear to make himself particularly known to the family, nor to cultivate any further acquaintance with them, but proceeded thence to the principal boarding house in the town and engaged entertainments for himself and thirteen other persons, who, he said, were engaged in bringing on his wagons, loaded with his smuggled goods. Having thus fixed upon a residence for himself and his gang of wagoners, he then called upon all the principal merchants in the town, on pretence of entering into contracts for storing large packages of goods, and promising to give great bargains to purchasers on their arrival, and in some instances actually received money as earnest on some packages of saleable goods, for the sale of which he entered into contracts. It may be remarked, by the way, that he wrote also in an unknown and unintelligible hand to the celebrated Captain Brant, the same as he had written to Mr. Bates, but with what view was equally mysterious and unaccountable.

Notwithstanding his genteel and respectable appearance, there was a singularity in his manner and conduct which, with all his tact and experience, he could not altogether conceal, and hence arose some suspicions as to the reality of his pretensions. These suspicions received confirmation, and were soon matured into the reality of his being a genteel

imposter, from the fact that the time for the arrival of his wagons was now elapsed, and that they were not making an appearance. At this juncture, when public attention and observation were directed to the stranger to observe which way the balance would turn, an individual named Brown, who had formerly resided in New Brunswick, and moved with his family to Canada, coming into contact with the gentleman, recognized him from a certain mark he carried on his face to be the far-famed Henry More Smith, whom he had seen and known when in gaol at Kingston.

This report passing immediately into circulation, gave the imposter a timely signal to depart, without waiting for the arrival of his wagons and baggage, and without loss of time he took his departure from Canada, by the way of Lake Erie, through the Michigan Territory, and down the Ohio to the Southern States. With his proceedings during this course of his travels we are entirely unacquainted; therefore the reader must be left to his own reflections as to his probable adventures as he travelled through this immense tract of country. There is no reason for doubt, however, that he had by this time, and even long before, become so confirmed in his iniquitous courses that he would let no occasion pass unimproved that would afford him an opportunity of indulging in the predominant propensity of mind which seemed to glory in the prosecutions of robberies and plunder, as well as in the variety of means by

which he effected his unheard of and unprecedented escapes.

After his arrival in the Southern States, we are again able to glean something of his life and history. While he was yet in the gaol at King's county, it will be remembered that he said he had been a preacher, and that he should preach again, and would gain proselytes; and now his prediction is brought about, for under a new name, that of Henry Hopkins, he appeared in the character of a preacher in the Southern States! And what wonder? For Satan himself is transformed into an angel of light. Here, even in this character he was not without success, for he got many to follow and admire him; yet deep as his hypocrisy was, he seemed to be fully sensible of it, although his conscience had become seared, and was proof against any proper sense of wrong. He acknowledged that he had been shocked to see so many follow him to hear him preach, and even to be affected under his preaching.

Our source of information does not furnish us with any of the particulars which marked his conduct while itinerating through the South in his newly assumed character; yet general accounts went on to say that he had, for a length of time, so conducted himself that he gained much popularity in his ministerial calling, and had a considerable number of adherents. However, this may have been the case for a length of time, yet as the assumption of this new character could not be

attributable to any supernatural impulse, but was merely another feature of a character already so singularly diversified, intended as a cloak under which he might, with less liability to suspicion, indulge the prevailing and all controlling propensities of his vitiated mind, it was not to be expected, with all the ingenuity he was capable of exercising, that he would long be able to conceal his real character. Accordingly, some misdemeanor, which we have not been able to trace, at length disclosed the hypocrisy of his character, and placed him before his deluded followers in his true light.

It would appear, whatever might have been the nature of his crime, that legal means were adopted for his apprehension, and that in order to expedite his escape from the hands of justice, he had seized upon a certain gentleman's coach and horses and was travelling in the character of a gentleman in state, when he was overtaken and apprehended in the State of Maryland. Here he was tried and convicted, and sentenced to seven years imprisonment in the state prison in Baltimore, which, from the nature of the climate, was generally believed would terminate his career. The particulars of this adventure I received in the city of New York in 1827, where I took much pains to obtain all possible information concerning his proceedings in the Southern States while passing under the character of a preacher.

In 1833 it so happened that I had occasion to visit the city of New York again, when I renewed

my enquiries concerning him, but to no effect ; no sources of information to which I had access yielded any account of him, and the most rational conjecture was that he either terminated his course in the state prison at Baltimore, or that one day, should he outlive the period of his confinement and be again let loose upon the peace of society, some fresh development of his character would point out the scene of his renewed depredations.

In this painful state of obscurity I was reluctantly obliged to leave the hero of our narrative on my return from New York.

Another year had nearly elapsed before any additional light was thrown upon his history ; but in an unexpected moment, when the supposition of his having ended his career in the prison at Baltimore was becoming fixed, I received, by the politeness of a friend, a file of the *New York Times*, one of the numbers of which contained the following article, bringing our adventurer again full into view in his usual characteristic style :

“ POLICE OFFICE — ROBBERY AND SPEEDY ARREST: A French gentleman from the South, (so represented by himself), who has for a few weeks past under the name of Henry Bond, been running up a bill and running down the fare, at the Francklin House, was this afternoon arrested at the establishment on the ungentlemanly charge of pillaging the trunks of lodgers. Since his sojourn a variety of articles had disappeared from the chambers of the hotel, and amongst the rest about two hundred dollars from the trunk of one gentleman. No one, however,

had thought of suspecting the French gentleman, who was also a lodger, until this morning, when, unfortunately for him, his face was recognized by a gentleman who knew him to have been in the state prison at Baltimore. However, on searching him, which he readily complied with, not one cent of the money could be found either upon his baggage or his person; but in lieu thereof, they found him possessed of a large number of small keys, through which, no doubt, he found means of disposing of any surplus of circulating medium, whereupon his quarters were changed to Bridewell until the ensuing term of General Sessions."

Here he remained in confinement until the period of his trial came round, when, for want of sufficient evidence to commit him to the state prison, he was thence discharged, and the next account we hear of him brings him before our view under the name of Henry Preston, arrested in the act of attempting to rob the Northern Mail Coach, as will appear by the following article extracted from the *Times*:

POLICE OFFICE, Monday, Feb. 22nd, 1835 — Just as this office was closing on Saturday evening, a very gentlemanly looking man, decently dressed, calling himself Henry Preston, was brought up in the custody of the driver and guard of the Northern mail stage who charged him with an attempt to rob the mail. The accusers testified that within a short distance of Peekskill they discovered the prisoner about a hundred yards ahead of the stage, and on approaching nearer they saw him jump over a fence, evidently to avoid notice. This, of course, excited their suspicion, and they kept an eye to the mail which was deposited in the boot. In the course

of a short time the guard discovered the rat nibbling at the bait, and desiring the driver not to stop the speed of the horses, he quietly let himself down and found the prisoner actively employed loosening the strap which confines the mail-bag! He was instantly arrested, placed in the carriage and carried to town free of expense. Having nothing to offer in extenuation of his offence, Mr. Henry Preston was committed to Bridewell until Monday for further investigation.

POLICE OFFICE, Monday morning—This morning, Henry Preston, committed for attempting to rob the Northern Mail, was brought up before the Sitting Magistrates, when the High Sheriff of Orange county appeared and demanded the prisoner, whose real name was Henry Gibney, as a fugitive from justice? He stated that the prisoner was to have been tried for grand larceny, and was lodged in the House of Detention at Newburgh, on Thursday, under care of two persons—that in the course of the night he eluded the vigilance of his keepers, escaped from confinement, and crossed the river on the ice, and had got down as far as Peekskill where he says he attempted to get on top of the stage that he might get into New York as soon as possible.”

By order of the judges the prisoner was delivered up to the sheriff of Orange County, to be recognized there for his trial for the offence with which he was originally charged, at the next general session of the Supreme Court. But before the time came round he had, as on most former occasions, contrived to make his escape, and directed his course towards Upper Canada.

Of the particular manner of his escape, and his adventures on his way through to Canada we can state nothing with certainty; but like all his previous movements, we may hazard the conjecture that they were such as would do the usual honor to his wretched profession. Yet, with all his tact, he could not always escape the hands of justice; and hence his course is not unfrequently interrupted, and his progress impeded by the misfortunes of the prison. It is owing to this circumstance that we are enabled to keep pace with him in Upper Canada, where we find him confined in the gaol of Toronto under the charge of burglary.

For this information the writer is indebted to his brother, Mr. Augustus Bates, residing in Upper Canada. From his letter, dated 4th August. 1835, we make the following extract, which will point out the circumstances which have guided us in endeavoring to follow up the history of the Mysterious Stranger to the present time:

DEAR BROTHER — I now sit down to acknowledge the receipt of a number of your letters, especially your last by Mr. Samuel Nichols, in which you mentioned that you were writing a new edition of 'More Smith.' I have to request that you will suspend the publication until you hear from me again. There is a man now confined in Toronto gaol who bears the description of More Smith, and is supposed to be the same. Many things are told of him which no other person could perform. I will not attempt to repeat them, as I cannot vouch for their truth. From current reports I was induced

to write to the sheriff, who had him in charge, requesting him to give me a correct account of him. I have not heard from the sheriff since I wrote; perhaps he is waiting to see in what manner he is to be disposed of. Report says the man is condemned to be executed for shop-breaking—he wishes the sheriff to do his duty; that he had much rather be hanged than sent to the penitentiary. Many are the curious stories told of him, which, as I said before, I will not vouch for. Should the sheriff write to me, his information may be relied on.”

Several communications from Upper Canada have reached us between the date of the letter from which the above extract is made and the present time, but none of them contained the desired information as to the particular fate of the prisoner, and the manner in which he was disposed of, until the 8th of September last, 1836.

By a letter from Mr. Augustus Bates, bearing this date, it would appear that the prisoner had not been executed, but had been sentenced to one year's confinement in the penitentiary. We make the following extract:

“I give you all the information I can obtain respecting the prisoner enquired after. The gaoler, who is also the deputy sheriff, that had him in charge, says he could learn nothing from him; said he called his name Smith, that he was fifty-five years old, but denies that he was ever in Kingston, New Brunswick. The jailer had one of your books and showed it to him, but he denied any knowledge of it, and would not give any satisfaction to the

enquiries he made of him. The sheriff says he believes the person to be the same mysterious stranger ; that he was condemned and sentenced to the penitentiary for one year. His crime was burglary."

It would have afforded the writer of these Memoirs great satisfaction, and, no doubt, an equal satisfaction to the reader, had it been in his power to have paid a visit to Upper Canada that he might be able to state from his own certain and personal knowledge of the prisoner at Toronto, that he was indeed the self-same noted individual that was in his custody twenty-two years ago, and whom he had the gratification of seeing and recognizing subsequently at the Simsbury Mines, where he played off his affected fits with such art and consequent advantage.

But although it is not in the writer's power to close up his Memoir with so important and valuable a discovery — yet, keeping in view the characteristic features of the man — his professed ignorance of Kingston in New Brunswick — his denial of ever having seen the first edition of the Memoirs, and the care which he took to keep himself enveloped in mystery, by utterly declining to give any satisfactory information concerning himself ; all these circumstances united, form a combination of features so marked as to carry conviction to the mind of the reader who has traced him through this narrative, that he is no other than the same mysterious Henry More Smith.

There is another feature in the prisoner at Toronto that seems strangely corroborative of what we are desirous properly to establish, that is his age. He acknowledges to be fifty-five years of age, and although this would make him somewhat older than his real age, yet it fixes this point—that the prisoner at Toronto is well advanced in years, and so must the subject of our Memoirs be also.

From information which we have obtained it seems that he has undergone his trial, and was committed to the penitentiary for a year's confinement. Whether he found any means of effecting an exemption from labor in the penitentiary and then reconciling himself to his confinement, or whether he accomplished one of his ingenious departures, we are unable to determine. One thing however, is highly probable—that he is again going up and down in the earth in the practice of his hoary-headed villainy, except Power from on High has directed the arrow of conviction to heart; for no inferior impulse would be capable of giving a new direction to the life and actions of a man whose habits of iniquity have been ripened into maturity and obtained an immovable ascendancy by the practice of so many successive years.

It must be acknowledged that there is an unprecedented degree of cleverness in all his adventures, which casts a kind of illusive and momentary covering over the real character of his actions, and would seem to engage an interest in his favor, (and this is an error to which the human mind seems

remarkable pre-disposed when vice presents itself before us in all its cleverness), yet who can read his miserable career without feeling pained at the melancholy picture of depravity it presents? Who would have supposed that after his condemnation and sentence at Kingston, and his life, by an act of human mercy, given into his hands again, he would not have hastened to his sorrowing little wife, and with tears of compunction, mingled with those of joy, cast himself upon her neck and resolved by a course of future rectitude and honesty, to make her as happy as his previous disgraceful and sinful career had made her miserable.

But ah! no. His release was followed by no such effects. Rendered unsusceptible for every natural and tender impression, and yet under the full dominion of the god of this world, he abandoned the intimate of his bosom, and set out single handed in the fresh pursuit of crime.

There is, however, one redeeming feature which stands out among the general deformities of his character. In all the adventures which the history of his course presents to our view, we are not called upon to witness any acts of violence and blood; and it is perhaps owing to the absence of this repulsive trait of character that we do not behold him in a more relentless light.

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